



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council

Thirtieth session

Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Written statement* submitted by the Society Studies Centre (MADA ssc), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[25 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14870(E)



Please recycle



The Negative Impact of Unilateral Coercive Measures on the Enjoyment of Human Rights in Sudan

Commending the resolutions and efforts of the Human Rights Council HRC in combating the unilateral coercive measures especially the most recent resolution No. HRC 27/L2 appointing a special rapporteur concerned with the negative impact of the unilateral coercive measures on the enjoyment of human rights, the Society Studies Center (MADA SSC) deems that such appointment should be considered as an opportunity to address the shortcomings, delays and failures which have impeded confrontation of the unilateral coercive measures over the past decades.

Success in implementing the mandate of the special rapporteur will not be attained except by provision of human and financial resources necessary he needs to accomplish his work. Furthermore, we need to have a clear vision on how to hold the parties imposing such measures accountable and oblige them to compensate the affected parties all over the world for the damages caused by application of such measures and ensuring non-recurrence of same in the future. In this regard, the (MADA SSC) calls the esteemed council to promptly consider preparation of a draft international convention to ban unilateral coercive measures. A Treaty body could then after be formed to pursue implementation of the proposed committee decisions worldwide.

The (MADA SSC), with many other CSO's from all continents initiated a worldwide campaign in opposition to unilateral coercive measures which was launched in Geneva last September. Parallel campaigns were launched at the national level in Sudan in April last year and at the continental level on the sidelines of the AU Summits in Addis Ababa and Johannesburg 2015. We take this opportunity to declare readiness of the International Campaign against unilateral coercive measures to cooperate with the Special Rapporteur in carrying out his mandate successfully.

Within the context shown above, The (MADA SSC) would like to brief the HRC on the negative impacts of the unilateral coercive measures on the citizens of Sudan, as follows:

The Right to Health:

- These unjust measures resulted in deteriorating health institutions over the country in both rural and urban areas. Sudanese people were deprived from their right to benefit from advanced medical technologies, diagnosis devices and even from obtaining spare parts they need to run the equipment already in their possession.
- Maternal, pregnancy and children below five mortality rates increased sharply due to the blockage imposed on medical equipment imports and the impediments to equipping operation rooms satisfactorily.
- Importation of life saving medications and serums was also subject to the embargo. In view of stopping banking transactions with Sudan no funding for importing such vital needs, from the US or elsewhere, could be sought.
- External professional training for Sudanese medical staff could not be attained.
- The National Center for Renal Diseases was not able to introduce the micro- perfusion technologies, one of the latest in the field, to address the growing danger of increased renal failure incidents with the pretext that the needed devices include some US-made parts.
- Sudan was precluded from being a main recipient of the aid provided by the international funds for combating Malaria, AIDS and Tuberculosis.

The Right to Work:

- Imposition of unilateral coercive measures resulted in depriving a large sector of the Sudanese people from their right to work where unemployment rate increased to 42% and 730000 graduates failed to find jobs due to the disruption of many development projects.

- Not less than 30000 workers in textile sector, 10000 in banking and 20000 in railways and 4000 from air aviation sector lost their jobs in addition to 1700 from River Transport Authority.
- Many industries and agricultural schemes including the renowned Gezira scheme with area of 2 million feddans, being the largest irrigated scheme in the world have ceased to operate together with many other smaller agricultural schemes like White Nile, Habila, Nuba Mountains, Marra Mountains, and al-Qash and Toaker. Consequently, thousands of workers in those schemes were disposed of.
- Heavy burden was laid on Sudanese expatriates by impeding their personal financial transfers whether for family needs or for commercial purposes. Expats were hampered even from opening personal accounts with international banks.
- The disabled persons and those with special needs were subjected to further sufferings and were deprived from enjoying basic rights in result of the adverse effects of the measures on the budgets and the other related sectors.
- Wide scope of business and professions including private workshops and service enterprises especially those dealing in air and railways' transport were seriously affected by the measures. Many of these activities ceased to operate and eventually workers were left idle increasing further the unemployment rates.

The Right to Development: Unilateral coercive measures have adversely affected both the public and private sectors in Sudan and consequently weakened their ability to bring about any substantial development towards realizing the MDGs despite that we are now in 2015 i.e. end term of the process especially in regard of poverty alleviation. Adverse impact on development was manifested in total stoppage of passenger trains and the collapse of Sudanair, one of the oldest airliners in Africa, after many air crashes for lack of proper spare parts with hundreds of deaths and casualties. Development of Sudan textile and sugar industries was hampered as well as livestock' and irrigation' plans in view of the restrictions imposed on Sudanese banks. We believe that the most harmful effects of the measures were sustained in the arena of meeting the MDGs satisfactorily.

Women Rights: Women in Sudan suffered much in result of the imposition of the unjust unilateral coercive measures especially in the health domain. Higher mortality rates, divorcees, poorly equipped education, decreased enrollment of girls to education, school dropouts and early school leaving have all affected negatively the efforts to realize woman empowerment goal.

The Right to Education: In result to the impeded economic capabilities of the State, developing educational institutions was an unreachable goal. Education rates in conflict- torn areas and in vulnerable local communities fell down drastically. With poverty rate climbing to 46% due to the measures, many families were unable to continue spending on their children's education. Thus, a significant segment of children were deprived from their right to education. On the higher education level, Sudan is witnessing an excessive brain drain due to the hard economic situation created by the measures. Universities of Sudan are becoming unable to obtain labs' and workshops' equipment and other essential technologies.

Right to Clean Drinking Water: The Measures have limited the country's ability to process and produce clean water which depends on obtaining advanced technologies and water purification materials. It was imperative for the authorities to rely on short-term alternatives at 100% higher price compared to regular materials. Spread of serious diseases including cancers, renal failure, Leishmaniasis "Kala- azar", Schistosomiasis and other waterborne diseases is suspected to be a result of using irregular water-purification materials.

The Right to Food: Spread of malnutrition- related diseases especially among children can plausibly be attributed to the imposition of unilateral coercive measures. UNICEF reports are pointing to the increase in malnutrition rates among children though excluding unregistered children in war-affected zones.

The **Society Studies Centre** (MADA SSC) would like to take this opportunity to extend invitation to the Special Rapporteur to visit Sudan to closely inspect the serious adverse impacts of the unilateral coercive measures on our nation for above two decades and that have negatively impacted individuals, groups and institutions. The (MADA SSC), as well as all members of the International Campaign against Unilateral Coercive Measures, would also like to confirm readiness to cooperate with the Hon. Special Rapporteur at national, regional and international levels.

To make a success of the Rapporteur's mandate, we demand the following from the esteemed Council:

- Keeness in taking the necessary resolutions during the Rapporteurs' mandate and at the times he submits his periodical reports to the Council, including considering preparation of an international convention banning imposition of unilateral coercive measures.
 - Work for creation of a mechanism to evaluate the extent of damage ensued from imposing unilateral coercive measures, in preparation for demanding compensation to affected people and entities.
 - We call upon all countries, international agencies and all activists, human rights' advocates, to stand in solidarity to make a success of the Special Rapporteur's mandate and extend every possible support and assistance to him to address this vital issue.
-



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council

Thirtieth session

Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Written statement* submitted by the Modern Advocacy, Humanitarian, Social and Rehabilitation Association, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[26 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14878(E)



Please recycle



Human rights and gender-based and sexual violence within the traditional African man's mind frame towards building the 'future we want'

Modern development thoughts are now streamlined within the human rights appraisal ideologies of well-being for all in recent and future times. These thoughts highlight new or formerly silent development rights frameworks for sexual minorities and victims of gender-based and sexual violence who suffer immense physical and psychological damages based on their unfortunate situations.

Gender-based and Sexual Violence as a Human Rights and Conventional Abuse

In obvious terms, articles 3, 4, 5, 6 and 7 of the Universal Declaration of Human Rights are partly materialized and reflected through the committee on the Elimination of Discrimination against women general recommendation No. 19 (1992) in which gender-based violence is considered to be any harmful act directed against individuals or groups of individuals on the basis of their gender. These acts include sexual violence, domestic violence, trafficking, forced/early marriage and harmful traditional practices. In focus, sexual violence takes multiple forms and includes rape, sexual abuse, forced pregnancy, forced sterilization, forced abortion, forced prostitution, trafficking, sexual enslavement, forced circumcision, castration and forced nudity. Although men and boys are also targets of gender-based and sexual violence in specific circumstantial setups, the victims of such violence continue to be disproportionately women and girls. Article 1 of the convention on the Elimination of All Forms of Discrimination against Women indicates such discrimination to mean "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field".

Acknowledging that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms with concerns on the long-standing failure to protect and promote these rights and freedoms for women, the Declaration on the Elimination of Violence against Women in its article 1 defines such violence as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Article 2 further highlights violence against women to encompass (a) physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; and (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs. (A/RES/48/104)

The Hurdles of Cultural Relativism in Applying Women's Development Rights

State constitutionality plays a critical role in directing and applying the human rights and freedoms for women towards eradicating pertinent obstacles that deter their development rights. However, "building the future we want" has grown from numerous and variant stakes that encompass the value of indigenous customs and traditions within the spirit and aspired will of human rights and freedom. This is reflected in article 33 of the Declaration on the Rights of Indigenous Peoples that states that Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. They have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures. To ascertain that such rights remain within the will of human rights, article 34 stipulates that Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards. (A/61/L.67)

However, through a series of pragmatic examples on field works in order to understand and upraise the value and status of the African woman, the conundrum remains heavy on the traditional or customary comprehensiveness on what her development rights should be in reflection to its context, her societal appraisal and what she seeks or desires to be viewed as in her community. The African personality sees the future he wants in the respect of traditional values and

mores that brings peace and keeps harmony within his family and community. In these, the severally appraised standards on gender-based and sexual violence against women become unavoidable. From some widowhood rites case studies, though the involved rights-based perpetrators are well informed and educated on the issues concerned, they still prefer to carry out the ordeals in order to feel fulfilled and more accepted within their community values. In communities where the victims do not desire to undergo such human degrading rites, the protective obligations of the State fails on a regular basis. The problem is that, local government authorities within African community setups who hold legal mandates to combat such discriminatory customary rites against women, most often stay aloof with pretexts of not wanting to interfere with the traditions of other people as psychologically, he or she would not in return want to see another interfere with his or hers. The learned traditional authorities on their part, though they struggle to amend some of their customs to suite the development rights of their local people as a whole, they are placed at a tight corner because the very ethics and survival of some of their true traditional identities and values lies within some instances that violate or deprive both the local men and women, but most disproportionately women from the full enjoyment of their human rights and freedoms.

In the limelight, it is obvious that most of the cherished traditional African customary identity values that are protected by human rights and elaborated upon by the declaration on the rights of indigenous peoples, do cumulate into some root causes and detain major infringement stakes in the context of gender-based and sexual violence against poor and vulnerable community women in Africa. Africa has a very complex framework of variant cultures and peoples, implying the need for both psychological and individual community institutionalism to address gender-based and sexual violence against women within the hurdles:

- (a) While as cultural women or girls, traditional societal values demand that they play subordinate roles amongst their men but modern education require that such cultural values be adjusted in order to suite the context of equality (E/CN.6/2015/NGO/167). To what extent can an intrinsic human rights modern education merger in a locally understood and accepted cultural relativism context assist?
- (b) The psychological position of the local man and woman becomes problematic in respect to the situation of adjusting one's culture to suite a rights based norm which, at the same time, may be violating another norm within the same set of rules and principles, (reflected through articles 3, 12, and 18 of the Universal Declaration of Human Rights). How understanding or learned are the local people to make such tactical adjustments and still maintain face to their cherished customs?
- (c) The questionable will of biased local government leadership to effectively communicate current legal dispositions and duly intervene to address obvious instances of barbaric customary practices that inflict gender-based and/or sexual violence on local women. (E/2015/NGO/7) Should State or local government authorities be out rightly punished or held responsible for failing to protect the rights of victims?

The outright gender-based and sexual violence circumstances within an African cultural context arise from the human rights working laissez-faire attitude that needs:

- (a) A holistic approaches on effective and fully understood gender equity education addressing the cultural relativism hurdles between the human rights of women and the expected traditional manhood mores of their men;
- (b) A psychological battle addressed through consistent and persistent strategic girl child education against the traditional reasoning of women and girls in community settings, and serves to automate an intrinsic consciousness of equality and rights-based self-management potential within women in relation to their men and as such, invigorate their human zeal towards equal level participation and mutual respect (E/CN.6/2014/NGO/174);
- (c) A practical means for local transcription and transmission of high level human rights policies and other conventional derivatives into locally understood texts and dialects easily appreciated by the poor and vulnerable community duellers.

'Building the future we want' happens to be the latest development paradigm that seeks the pragmatic rights-based empowerment of all vulnerable peoples everywhere, most

especially, marginalized women and those suffering from unfortunate gender-based and sexual violence circumstances. This therefore implies that there is strong need for rudimentary human rights working considerations within the gender equity scope on local women's rights to development and how this intersects, for instance, with race, religion, economic situation, political affiliation and geography.



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council

Thirtieth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement^{*} submitted by the Reporters Sans Frontiers International - Reporters Without Borders International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 August 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15940(E)



Please recycle



So far in 2015 50 news providers have been killed for trying to do their job

The United Nations system has been dealing with the issue of journalists' safety for many years and UN organs, including the Human Rights Council, have frequently recalled in their reports and resolutions that "the right to freedom of opinion and expression is a human right guaranteed to all (...) and constitutes one of the essential foundations of a democratic society" (A/RES 69/185).

Attacks and violence against journalists and media workers have been repeatedly condemned;

Member States have been repeatedly called upon to prevent violence, ensure safe and enabling environments and do what is necessary to prosecute and punish crimes perpetrated against them.

Still, there has been little progress on the ground.

RWB tallies 38 professional journalists, 4 media assistants and 8 citizen-journalists killed so far this year.

Armed conflicts

According to international humanitarian law, professional and non-professional journalists should be protected as civilians, yet they are often privileged targets because of their activity.

In **Syria** and **Iraq**, countries respectively ranked 177th and 156th out of 180 in the 2015 RWB press freedom index, media workers are publicly beheaded by the Islamic State (IS). At least seven journalists and citizen-journalists have been killed in Syria, and at least five in Iraq since January 2015. On 16 July 2015, IS executed Iraqi cameraman **Jalaa Al Abady** in Mosul after an IS court found him guilty of "leaking information" about IS to the national media.

In **Ukraine**, since the beginning of the conflict at the border with Russia, journalists have often been voluntarily targeted by both parties. At least two journalists have been killed since January 2015 while covering the conflict or because of their views on the conflict. For instance, on April 16 2015, **pro-Russian** journalist **Oles Buzina** was **gunned down in central Kiev**. Many other journalists have been wounded while covering the conflict. On June 14 2015, **Alexander Gayuk**, a local reporter working for **AFP**, was injured by shrapnel while Donetsk was being bombarded. A great number of journalists have also been arrested or deported by both parties to prevent them from covering the conflict.

Ukraine ranked 129 out of 180 countries in the 2015 RWB press freedom index.

Protests and demonstrations

In its resolutions 19/35 and 25/38, the Human Rights Council acknowledged that "peaceful protests can make positive contributions to the development, strengthening and effectiveness of democratic systems", calling all States "to pay particular attention to the safety of journalists and media workers covering peaceful protests, taking into account their specific role, exposure and vulnerability."

However, there too, journalists are constantly victim of threats and attacks while doing their job.

In the **United States**, journalists were arbitrarily arrested by the police or attacked by protesters during protests. The *St. Louis Post-Dispatch* staff photographer **Robert Cohen** was hit in the face with pepper spray on August 10, 2015. At least two journalists were attacked or arrested by police during the Baltimore protests between April 12 and April 28 of this year.

In **Armenia**, on June 23, 2015 in Yerevan, while the authorities were using force to disperse a large crowd of demonstrators protesting against electricity price hikes, the police attacked at least 10 journalists and almost systematically confiscated or smashed their equipment. At least 11 journalists were briefly detained.

The environment

With the UN climate change conference to be held in Paris in December 2015, it is of utmost importance to take into consideration the essential role played by journalists in awareness-raising on these issues, and to consider the risks they often face while covering them.

In **India**, Sandeep Kothari, a reporter based in Madhya Pradesh who covered illegal mining, was abducted and killed on June 19. He is the second Indian journalist to be murdered while covering of such activities.

In **Russia**, Anna Gritsevich, a reporter for the leading news website *Kavkasky Uzel*, was imposed a three-day sentence on 6 July 2015. She was arrested while filming a protest on 29 June by about 40 residents of a village near Sochi, against what they regarded as the "illegal" dumping of rubbish near a nature reserve by the Sochi municipality.

In **Italy**, Mimmo Carrieri, an environmentalist who reports for the online newspaper *Viv@voce*, was insulted and roughed up by around 20 campers while doing a photo-reportage on 5 July. Carrieri has often reported environmental abuses in nature reserves in the Southern Apulia region and has repeatedly been threatened. His car was set on fire and he has received threatening letters.

Religion and extremist groups

Journalists covering issues related, sometimes even very remotely, to religions, are increasingly subjected to threats or attacks.

In **Bangladesh**, at least four bloggers have been killed since January 2015, all after receiving threats from Islamist extremists related to their blogs. Niloy Neel, whose body was found on August 7, 2015 with his head and hands severed, was on a hit-list of bloggers that a Bangladeshi Islamist group released on 15 November 2014. Responsibility for the murders was claimed by extremist religious groups.

In **France**, in May 2015, the 17 years old editor of a school newspaper received very serious and repeated death threats after he published a special issue on 21 January in solidarity with the victims of the *Charlie Hebdo* massacre in Paris.

Corruption and criminal organisations

Journalists covering organized crime and corruption often face violence, from state actors as well as non-state organizations.

In **Brazil**, Gleydson Carvalho, a radio presenter who had been denouncing local political corruption for years, was shot dead on August 6 by two gunmen as he was hosting his popular programme on *Radio Liberdade 90.3 FM* in Camocim. Carvalho is the fourth journalist to be gunned down in Brazil since the start of the year.

In **India**, in June 2015, journalist Jagendra Singh, a well-known critic of the Uttar Pradesh state government, was allegedly killed by police officers because of his coverage of illegal activities by Uttar Pradesh state officials. He was set on fire by a police inspector and died of burn injuries.

Political motives

Journalists are of course often at risk from state authorities simply because they are independent voices.

In **South Sudan**, on 16 August, President Salva Kiir threatened to have journalists murdered if they "work against their country". Three days later, reporter Peter Moi was gunned down outside his office in the capital.

In **China**, journalist Gao Yu, a former Deutsche Welle correspondent, is being arbitrarily held since May 2014. Despite her declining health, she is subjected to almost daily interrogations. In June 2015, Yang Dongying was also arbitrarily arrested, because of her work for 64Tianwang, a news website run by the cyber-dissident Huang Qi and charged with "picking a quarrel and making trouble" because she criticized Zhejiang police's actions in extracting a confession from her 13-year-old son, who has since been hospitalized.

In **Azerbaijan**, the family of **Ganimat Zahid**, the well-known editor of the opposition newspaper *Azadliq* currently living in exile, is being constantly harassed by the authorities. His 87 year-old mother is under close surveillance, his nephew and his cousin have been arbitrarily arrested in July, and another nephew is facing 5 to 12 years in prison on a drug possession charge.

In **Iran**, the Washington Post's Tehran correspondent **Jason Rezaian** has been detained since July 2014 and held in isolation in Tehran's Evin prison. He has been subjected to mistreatment to extract a confession for He is accused of "activities against Iran's security in collaboration with a foreign organization or government" and "anti-government propaganda."

RECOMMENDATIONS

To the UN HRC

- Urge member-states, in particular those who are members of the UN security council, to take all necessary action in order to have the situation in Syria and Iraq in which war crimes against journalists have been committed referred to the International Criminal Court
- Regarding armed conflicts in general, collaborate with all relevant UN bodies to establish a Special representative of the UN Secretary general to monitor compliance by member-states' of their obligations under international law.
- Undertake an assessment of the special risks faced by journalists covering environmental issues.
- Consider the creation by the HRC Special procedures of an 'Online rapid reaction platform' to channel accurate information on the risks faced by journalists to the relevant international human rights bodies, similar to the initiative proposed by RWB to the Council of Europe.

To Member-States

- Put an end to the targeting of journalists both in armed conflicts and during demonstrations
- Adopt effective measures to combat the impunity of crimes against journalists
- Support the establishment of the mandate of a Special representative of the UN Secretary general as described above.
- Collaborate in the creation of an 'Online rapid reaction platform' as described above



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council

Thirtieth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by the Americans for Democracy & Human Rights in Bahrain Inc, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14914(E)



Please recycle



Human rights abuses in the Gulf Cooperation Council (GCC)

Americans for Democracy & Human Rights in Bahrain (ADHRB) would like to use the occasion of the 30th Session of the Human Rights Council to call attention to the Kingdom of Bahrain, the Kingdom of Saudi Arabia, the United Arab Emirates, and the State of Qatar's continued human rights abuses. Throughout 2015, these countries have acted to suppress free speech and assembly by imprisoning peaceful activists on arbitrary charges. Torture and ill-treatment of detainees at the hands of security forces remain pervasive issues in Bahrain and Saudi Arabia.

The Government of Bahrain has made no significant progress towards cooperating with UN human rights mechanisms in 2015. Arbitrary detentions of peaceful opposition activists and human rights defenders have continued unchecked. Bahrain's growing restrictions on free speech have contributed to a situation where the government detains activists with impunity, while laws criminalizing insults to the king, government or national emblems and banning protests have curtailed free expression. Recent amendments to the anti-terrorism law enable government security officers to persecute dissenters under the guise of national security. The amendments allow the Public Prosecution to issue detention orders of up to 90 days without justification, with the option for extension. Under Bahraini law, the Public Prosecutor has the authority to hold individuals for up to six months without trial. It is during this pre-trial detention period that security forces often perpetrate acts of torture to coerce confessions. Such laws and practices enable the government to repress dissenting voices and enable a culture of impunity for security forces.

Bahraini authorities have increasingly used these laws to imprison political opposition members and human rights defenders. Ebrahim Sharif, former General-Secretary of the opposition party Wa'ad, was released from prison on 19 June 2015 after serving over four years of his arbitrary sentence. Less than a month after his release, however, security forces arrested him on new charges related to a peaceful speech he delivered on 10 July 2015. Sharif was charged with "inciting violence" and "promoting political change." The Government of Bahrain additionally sentenced Sheikh Ali Salman, Secretary-General of the opposition party al-Wefaq, to four years in prison in June for public remarks that were critical of the government. Salman was charged with publicly inciting hatred, disturbing public peace, inciting civil disobedience, insulting public institutions, and promoting change in government. In March 2015, the government arrested Fadhel Abbas, Secretary-General of al-Wahdawi Society, for critical comments he made on Twitter. On 28 June, a court sentenced Abbas to five years in prison. Additional political opposition figures like Abdulwahab Hussain and Hasan Mushaima continue to serve arbitrary life sentences. The Government of Bahrain pardoned prominent human rights defender Nabeel Rajab on 13 July 2015 after he had served the majority of his sentence related to Twitter activity, but he faces further charges related to his freedom of expression that carry lengthy prison sentences. Many other high-profile activists, including Abdulhadi al-Khawaja and Dr. Abduljalil al-Singace, are serving sentences for acts solely relating to free expression, association, and assembly.

Bahrain's prisons afford few protections for the detainees that have been arrested since the 2011 protests. On 10 March 2015, detainees at Jau Prison rioted over the effects of overcrowding and over-incarceration. Authorities responded with excessive force, reportedly attacking prisoners with rubber bullets, tear gas, and shotguns. Prisoners reported mass beatings as reprisals. The Government of Bahrain has yet to carry out an investigation into the authorities' violent response to the riot. Dr. Abduljalil al-Singace, a member of the group of imprisoned political activists known as the Bahrain 13, marked his 150th day of protest against the ill-treatment of inmates and the unsanitary conditions in Jau Prison on 18 August 2015. He remains in solitary confinement at Al-Qalaa Hospital without access to novels, religious books, television, radio, or pen and paper.

Saudi Arabia has escalated its persecution of activists as authorities have implemented repressive laws targeted at those who express dissent. Since 2014, the Penal Law for Crimes of Terrorism has allowed the Ministry of Interior to detain individuals for up to a year before a Specialized Criminal Court must determine whether the detention is valid. The Anti-Terror Law additionally makes it a crime to harm any interest of the Saudi state, enabling the government to round up anyone who presses for reforms. Last year, a Saudi court sentenced human rights lawyer Waleed Abu al-Khair to 15 years in prison under the law. The king retains absolute control over the legal system, reserving the power to directly appoint and dismiss judges. Oversight of the Bureau of Investigation and Prosecution remains under the supervision of the Ministry of Interior rather than the Ministry of Justice, severely hampering judicial independence.

Saudi Arabia continues to abuse the basic human rights of its citizens. The guardianship system requires women to obtain permission from their male guardians in order to work, travel, study, and marry. Activists, both female and male, have been targeted by authorities for advocating for the removal of the guardianship system. Saudi law treats women as perpetual minors, and because much of the law pertaining to women is not codified, judges have broad discretionary powers. Saudi Basic Law does not contain provisions criminalizing rape, leaving rape cases open to subjective interpretation. Rape cases often result in the punishment of victims since judges may decide that a rape resulted from a woman's mingling with men. The Kingdom has also stepped up its use of capital and corporal punishment against dissenters. Between 2010 and 2013, Saudi Arabia beheaded at least 345 people, in addition to executions by other methods. In October 2014, a Saudi court sentenced opposition activist Sheikh Nimr al-Nimr to death on charges of fomenting dissent and disloyalty to the government. Since January of 2015, Saudi Arabia has executed more than 120 citizens.

The State of Qatar has similarly acted to quash free expression and political activism. GCC security provisions allow Qatar to suppress peaceful expression that authorities interpret as critical of state actions. Since 2011, security officials have detained a number of people for exercising their rights to free expression and assembly. Many have reported torture and ill-treatment during detention. Qatari authorities arrested the poet Mohammed al-Ajami in November of 2011 on charges relating to a private poetry recital in Cairo. Al-Ajami was charged with insulting the emir and "inciting to overthrow the ruling system." Authorities held him incommunicado for months before he was allowed family visits. Al-Ajami's detention and trial were marred by procedural irregularities, with Qatari authorities attempting to assign him two different lawyers after he had obtained counsel and blocking al-Ajami's lawyer from testifying in court. The court eventually sentenced al-Ajami to life imprisonment on 29 November 2012, though the sentence was reduced to 15 years upon appeal. Al-Ajami's case highlights the stifling environment for free expression in Qatar, as well as a wide range of flaws in the judicial system.

Migrant workers that have flowed into Qatar in the lead-up to the 2022 World Cup have suffered human rights abuses at the hands of their employers. The *kafala* sponsorship system traps Qatar's more than 1.5 million migrant workers in positions working for predatory companies. For these workers, it is illegal to seek alternative employment without the permission of their current employers. Some migrant workers are forced to work twelve hour days in extreme heat. Workers often find their wages to be significantly less than what was promised in their contracts, and some have had their wages completely withheld. Confiscation of workers' passports remains a common practice.

Activists in the United Arab Emirates have faced mass arrests and detentions related to their political activity. In 2011, a group of activists petitioned the president calling for democracy and increased legislative powers. The government rounded up many of the activists, claiming that they were planning a coup, and arrested 94 individuals beginning on 26 March 2012. At least 44 defendants spent between six and eleven months in detention without appearing before a judge, and up to 70 were held in secret detention. The 94 include prominent lawyers, judges, and academics. Allegations of torture against the defendants were not investigated. During the trial a number of UN Special Rapporteurs expressed concern about procedural irregularities. Confessions obtained under duress were accepted as evidence, and guards blocked international observers from entering the courtroom. Sixty-nine of the defendants were found guilty of "founding an organization with intent to overthrow the government" on 2 July 2013. Sixty-one remain imprisoned in the UAE for legitimate acts of free expression and assembly.

The Kingdoms of Bahrain and Saudi Arabia, the United Arab Emirates, and the State of Qatar have not made any meaningful progress towards improving their records on human rights. We ask the international community to call for the release of all those imprisoned on politically motivated charges, to investigate the systematic use of torture, enforced disappearance and arbitrary detentions, and to promote the independence of the judiciary in these countries. We hope that renewed international pressure will encourage these governments to address their human rights abuses.



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council

Thirtieth session

Agenda item 4

Human rights situations that require the Council's attention

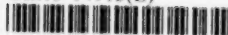
Written statement* submitted by the Alsalam Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14915(E)



Please recycle



Bahrain: ongoing lack of cooperation and systematic rights abuse

Alsalam Foundation, together with Americans for Democracy & Human Rights in Bahrain, the Bahrain Institute for Rights & Democracy and the Bahrain Center for Human Rights, express our serious concern over the Kingdom of Bahrain's ongoing lack of cooperation with the United Nations (UN) in the field of human rights. In 2011, Bahrain's mass demonstrations against structural inequalities, corruption and oppression resulted in a government-led campaign to silence dissent. Today, arbitrary arrests and detentions, torture, unfair trials, politically motivated denaturalization actions, and extrajudicial killings remain systematic practices in the kingdom.

The Kingdom of Bahrain's lack of cooperation has been observed in **a)** the Member State's continued deferral of an agreement for technical cooperation with the Office of the High Commissioner for Human Rights (OHCHR); **b)** the Member State's refusal to cooperate with the Special Procedures of the Human Rights Council (HRC); **c)** the Member State's non-observance and non-implementation of recommendations made during its Second Cycle Universal Periodic Review (UPR); **d)** the Member State's disregard for its reporting obligations to UN Treaty Bodies; and **e)** the Member State's continued intimidation of civil society members who engage with the UN.

a. Deferral of Technical Assistance and Capacity Building Agreement with OHCHR

In January 2014, OHCHR conducted a technical visit to Bahrain to outline a program for technical cooperation with Bahraini authorities. In September 2014, Bahrain's Ministry of Foreign Affairs stated it would propose a draft for a Memorandum of Understanding with OHCHR 'enshrining the terms' of the agreement.¹ In March 2015, during the High Level Segment of the 28th Session of the Council, Bahrain's Under Secretary for the Ministry of Foreign Affairs, Abdulla Abdullatif Abdulla, announced that an "agreement had been reached...to foster cooperation." He also vowed an "early start" to the new technical assistance and capacity building program.² At the time of this announcement, Bahrain had not yet signed an agreement with OHCHR. Since that time, the government has made several public announcements regarding its cooperation, but has taken no steps to officially commit to this process. Such behavior has been obstructive to OHCHR. These deferrals have also shown disregard for the calls of 47 United Nations Member States, who during the 26th Session of the HRC called upon the Government of Bahrain "to further enhance its cooperation with OHCHR." Until now, no such cooperation has taken place.

b. Refusal to Cooperate with Special Procedures

Since 2006, the Government of Bahrain has refused access to the Special Procedures mandate holders of the Council. Currently, five mandates have outstanding requests to carry out country visits to Bahrain. None of these requests have been accepted by the government.

In May 2013, a visit was scheduled for the UN Special Rapporteur on Torture, Mr. Juan Méndez, but was "postponed" two weeks prior to its scheduled date. Mr. Méndez expressed his disappointment at the decision. He emphasized that the postponement was effectively a cancellation, as "no alternative dates were proposed."³ On numerous occasions, he has openly regretted that Bahrain does not appear to be conducting itself in a cooperative manner.⁴ The torture mandate has extended a standing invitation to Bahrain but the Government has maintained its closed door policy with respect to the Special Procedures.

In addition to refusing access to the Special Procedures, the Government of Bahrain has also failed to effectively respond to the findings and inquiries of the Special Procedures on individual communications. In October 2011, the

¹ Ministry of Foreign Affairs. *UPR Bahrain*. "Treaties & International Human Rights Mechanisms". September 2014. Retrieved from: <<http://www.upr.bh/index.php/57/>>.

² Bahrain. *High Level Segment of the 28th Session of the Human Rights Council, 6th Meeting*. 3 March 2015. Retrieved from: <<http://webtv.un.org/watch/bahrain-high-level-segment-6th-meeting-28th-regular-session-human-rights-council/4092497099001>>.

³ Office of the High Commissioner for Human Rights. "Bahrain / Human Rights: Government Effectively Cancels UN Special Rapporteur on Torture's Visit". 24 April 2013. Retrieved from:

<<http://www.ohchr.org/EN/NewsEvents/pages/DisplayNews.aspx?NewsID=13261>>.

⁴ Ibid.

Working Group on Arbitrary Detention (WGAD) found Danish-Bahraini citizen Abdulhadi Al-Khawaja's detention to be arbitrary.⁵ They called on his immediate release. In 2012, the UN Special Rapporteurs on Torture, Human Rights Defenders, Freedom of Assembly and Independence of Judges and Lawyers again called on Bahrain to immediately release him.⁶ Mr. Al-Khawaja has remained in prison and continues to serve a life-long arbitrary sentence. The Government has persistently ignored the recommendations of the Working Group to release additional arbitrary detainees.

c. Non-Observance and Non-Implementation of Second Cycle UPR Recommendations

In May 2012, the Kingdom of Bahrain completed its Second Cycle UPR. States submitted 176 recommendations to the Government during the review, of which Bahrain accepted 158. Despite accepting a majority of the recommendations made, Bahrain has applied a policy of non-observance and non-implementation to almost all of these recommendations. While several states recommended that the Government fully implement the recommendations of the Bahrain Independent Commission of Inquiry (BICI), the Government of Bahrain has instead continued to practice the very violations denounced in the BICI report. The BICI Follow-Up Committee commissioned by the Government to accelerate these reforms lacks independence, credibility and transparency. The membership of this Committee consists of current or former members of Government or members of the royal family, many of whom were directly or indirectly involved in the abuses the BICI recommendations were intended to address.

Further UPR recommendations called on Bahrain to respect the rights of all citizens to freedom of expression and assembly. Hundreds of individuals have been charged on 'crimes' relating to freedom of expression or assembly since Bahrain's acceptance of this recommendation in 2012. Recently, on 12 July 2015, government forces arrested Ebrahim Sharif, the former General Secretary of the National Democratic Action Society (Wa'ad), for "inciting violence" and "promoting political change" after delivering a speech at a 16 year old boy's memorial event. Even more recently, on 6 August 2015, the government suspended Bahrain's only semi-independent newspaper, *Al-Wasat*, on accusations of "affecting national unity," and "affecting Bahrain's international relations." These actions speak clearly to Bahrain's disregard of the UPR recommendations it committed to implement. These also demonstrate a lack of genuine engagement with the UPR process.

d. Disregard for UN Treaty Body Reporting Obligations

Although the Government of Bahrain is party to a number of international treaties including the Convention against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR), it violates these and other international conventions on a daily basis.

Bahrain has consistently failed to comply with its periodic reporting obligations. Following its accession to the Convention on the Rights of Persons with Disabilities and the International Covenant on Social, Economic and Cultural Rights, Bahrain failed to submit even an initial report on its implementation of these treaties. Furthermore, the Kingdom disregards its reporting deadlines and on occasion has failed to report for up to 10 years. When submitted, reports often fail to meet standard reporting guidelines. In 2005, the Committee on the Elimination of Racial Discrimination (CERD) summarized this point in its concluding observations on Bahrain's Seventh Periodic Report. The Committee regretted that the report did not contain sufficient detail "on the practical implementation of the Convention."⁸ The Committee also expressed concern over representations made by the government that there was no racial discrimination in Bahrain.⁹

These observations on Bahrain's reporting exemplify the Government of Bahrain's attitude towards its obligations under international law. It has failed to make transparent and genuine representations of the human rights situation in

⁵ United Nations Working Group on Arbitrary Detention, No. 6/2012 (Bahrain), 28 October 2011. Retrieved from: <http://www.unwgdatabase.org/un/Document.aspx?id=2840&terms=%28+bahrain+%29%20>.

⁶ Office of the High Commissioner for Human Rights, "Bahrain: UN Human Rights Experts Urge Immediate Release of Abdulhadi Al-Khawaja", 13 April 2012.

⁷ Americans for Democracy & Human Rights in Bahrain, *A Follow-Up Report on Bahrain's UPR Second Cycle*, Washington D.C., February 2014.

⁸ CERD/C/BHR/CO/7, 14 April 2005. Retrieved from:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBHR%2fCO%2f7&Lang=en.

⁹ Ibid.

the country, and has otherwise failed to report on its implementation of these essential international human rights treaties in a timely and constructive manner.

e. Reprisals

During the 24th Session of the Human Rights Council in September 2013, the Council adopted a resolution on "Reprisals against Human Rights Defenders Cooperating with the UN System". The resolution reaffirmed the right of everyone to unhindered access and communication with international bodies, particularly the United Nations. Despite this, the Government of Bahrain has continuously targeted individuals seeking to engage the UN. In September 2014, immediately following his return from the 27th Session of the HRC, the government arrested Bahraini Human Rights Defender Nabeel Rajab. Though the government alleged that the arrest was unrelated to his Geneva activities, the Committee against Torture's Rapporteur on Reprisals referred to his case when discussing reprisals in Bahrain.¹⁰ Such cases serve as examples of Bahrain's unwillingness to engage in a cooperative way with civil society, a principle enshrined in the activities of the Human Rights Council and wider UN system.

Recommendation

At the 30th Session of the Human Rights Council, Alsalam Foundation, together with Americans for Democracy & Human Rights in Bahrain, the Bahrain Institute for Rights & Democracy and the Bahrain Center for Human Rights, urges UN Member States to renew their calls on Bahrain to:

- Establish a robust technical assistance and capacity building program with OHCHR;
- Allow the Special Procedures unfettered access to the country, particularly the Special Rapporteur on Torture; and take steps to immediately implement all recommendations issued by the Working Group on Arbitrary Detention and other Special Procedures mandates;
- Fully implement all 158 recommendations accepted during the Second Cycle UPR;
- Constructively engage with all UN Treaty bodies, including by submitting periodic reports in a timely manner and adhering to standard reporting guidelines;
- End all forms of reprisals or intimidation of individuals seeking to engage with the United Nations and its mechanisms.

¹⁰ Office of the High Commissioner for Human Rights. "Committee Against Torture Discusses Reports on Follow-Up to Implementation of Recommendations on Reprisals". 12 August 2015. Retrieved from: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16316&LangID=E>.



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council

Thirtieth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by the Nord-Sud XXI - North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14916(E)



Please recycle



Situation of human rights in Libya*

North-South XXI (NSXXI) is deeply concerned about the deteriorating human rights and humanitarian situation in Libya. Massive violations of international human rights and humanitarian law as well as international criminal law have been reported since February 2011 and the situation is aggravating by the day. The humanitarian situation in Libya is worsening and it should be addressed as a matter of top priority. About 2 million people are in urgent need for relief assistance with more than 1 million lacking food and other daily needs, particularly in the east of Libya. Medicine and medical equipment are in acute shortage, including life-saving medicine for chronic diseases such as diabetes, kidney failure and epilepsy. Thousands of newborns and children under seven years old are in urgent need of vaccination. Alarm signals about the tragic situation in Libya are being sent out regularly by independent sources, including the United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights since their deployment in the country in 2011.

Violations of human rights and international humanitarian law brought to our attention include extra-judicial killings and assassinations, abduction and enforced disappearances, sexual violence, torture and ill-treatment of detainees, prolonged imprisonment in militia-controlled facilities and forced displacement of civilians etc. Criminal activities, including armed robberies and carjacking have become endemic in Libya. The presence of countless militia groups and the proliferation of weapon represents a major threat to peace in Libya and the unsurmountable affront to enjoyment of human rights and fundamental freedoms.

Since the destruction of the national army during the military attack against Libya spearheaded by a coalition of Western European countries in March 2011, there were no successful efforts to build a sound army to safeguard the country. The State currently exercises nominal control over key departments, in particular those in charge of security and law and order. A number of militia groups and tribal military formations are assuming the role of law enforcement agencies in the country. The supervision of militia groups over the security situation has negatively affected the respect of the rule of law and the enjoyment of human rights and fundamental freedoms. The governance crisis as well as the proliferation of militia groups threatens to plunge Libya into a full-blown internal war and consequently a deeper humanitarian crisis.

Militia groups, particularly members of Libya Dawn, are believed to be behind a systematic campaign of killings and abductions of men and women in many parts of Libya. Hundreds of army officers, independent human rights activists, journalists, liberal opinion-makers and politicians, including women activists have been killed or abducted in different parts of Libya. On 26 July 2013, militiamen killed political activist Mr. Abdelsalam Al-Musmary in Benghazi. On 18 July 2014, militiamen killed Ms. Fariha Al-Barkawi in Derna. She was a women rights activist and former member of parliament. On 25 June 2014, militiamen assassinated Ms. Salwa Saad Bugaighis in her home in Benghazi. She was a prominent lawyer and a member of the dissolved National Transitional Council of Libya. On 23 February 2015, gunmen killed Ms. Intissar Al-Hasairi and her aunt in Tripoli. She was Co-founder of Tanweer "Enlightenment" Group, which is a civil society group that promotes human rights and peace in Libya.

Countless incidents of abductions and enforced disappearances were reported since early 2011 yet very few have been resolved so far. Beside Libyan citizens, foreign nationals, including members of diplomatic missions, are frequently abducted and detained by militia groups. Human rights activist Mr. Abdel-Mouaiz Banoun was abducted in Tripoli on 25 July 2014. On 27 November 2014, militiamen abducted Col. Hassan Gouela (Pilot) in Tripoli. On 19 July 2015 militiamen kidnaped and held captives four Italian construction workers near Zouara in west Libya. In the second week of August 2015, militiamen abducted Mr. Ahmed Elsadig, Chairman of Libya's General Authority on Endowments and Islamic Affairs. He was abducted in Al-Beyda town in east Libya. The whereabouts of all these abductees is unknown and there are serious fears about their lives and security of person.

Militia groups are also responsible for a number of kamikaze attacks in Benghazi, Tobruk, and Labraq. The most publicized incident was the attack against the Libyan House of Representative on Tuesday, 30 December 2014 in the eastern city of Tobruk. The headquarters of the Constitution Drafting Committee in Al-Beyda had been attacked a few months earlier. In all these attacks innocent civilians were either killed or injured.

The Islamic State in Iraq and Levant-Libya (ISIL-Libya) or (Daesh in Libya) is gaining ground in a rapid manner. It is believed to be in control of large parts of Derna and Sirte. ISIL-Libya is responsible for a series of human rights violations in area under its control where strict religious codes are enforced. Attack of ISIL-Libya against the local people in Sirte on 13 and 14 August 2015 left more than 40 casualties. ISIL-Libya reportedly executed 22 young men while they were receiving medical treatment. The militia burned down the hospital where the victims were treated in residential area No. 3. On 15 February 2015, ISIL-Libya released a video depicting the beheading of 20 Egyptians and a Ghanaian national. On 20 April 2015, a video footage showed members of ISIL-Libya killing 28 Ethiopian nationals. The killing reportedly carried out by ISIL-Libya in eastern and southern Libya where 16 captives were shot dead and 12 others were beheaded in the eastern coast. It is believed that all these victims were killed because of their religious confessions.

In conclusion, NSXXI reiterates its concern that violations of human rights in Libya have been committed in a systematic manner while the world community watches indifferently. Equally of concern is the disproportionate response of the international community to this dangerous situation despite indications suggesting the need for robust efforts to save lives; end the political stalemate and restore law and order in Libya. It is a scar in the world's collective conscience that it has been divided on the necessary action to save lives in Libya and that the interests of certain members of the United Nations are failing civilians who are in dire need of all kinds of relief and protection. North-South XXI calls on the 30th session of the Human Rights Council to:

1. Condemn violence and violations of international human rights and humanitarian law committed in Libya and demand that the warring parties end all abuses and violations, particularly political assassinations and extra-judicial killings, arbitrary arrest and detention, torture and ill-treatment, forced displacement of civilians.
2. Urge the warring parties in Libya to allow human rights groups and relief agencies free and unhindered access to the victims of violence and abuses committed in the country since February 2011.
3. Urge the UN Security Council to prevent the ongoing violence and violations of human rights and international humanitarian law as outlined in its resolutions No. 1970 (2011) of 26 February 2011, 1973 (2011) of 17 March 2011, 2009 (2011) of 16 September 2011, 2016 (2011) of 27 October 2011 and 2017 (2011) of 31 October 2011.
4. Implement the recommendations made by the International Commission of Inquiry on Libya, particularly the appointment of a Special Rapporteur to follow up the situation in the country and to coordinate international action in this respect as outlined in the Commission's report of 8th March 2012 pursuant to Resolution A/HRC/RES/ S-15/1 of 25 February 2011.
5. Request United Nations specialized agencies, in particular the World Food Programme (WFP) and the World Health Organization (WHO) to consider the humanitarian situation in Libya and provide the much needed relief material, especially life-saving medicine. WHO must embark on an extensive vaccination campaign for children in Libya.
6. Request its specialized Working Groups and thematic mandate holders to accord special attention in their work to the situation in Libya. They should investigate allegations of human rights violations namely cases of extrajudicial, summary or arbitrary executions, arbitrary arrests and detention, rape and sexual violence, abuses against migrant workers and the forced displacement of civilians and prevention of certain Libyan citizens from returning to their hometowns and regain access to their properties.
7. Ensure that its future action on Libya provides for adequate measures to combat impunity and hold accountable individuals and groups responsible for the most serious violations of international human rights and criminal law and that the victims of such abuses receive justice, relief and atonement.

*Omar Al-Mukhtar Human Rights Institute, NGO without consultative status, also shares the views expressed in this statement.



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council

Thirtieth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by the International Educational Development, Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14917(E)



Please recycle



The situation of the Sikh people in the Punjab*

International Educational Development, Inc., the Association of Humanitarian Lawyers, and Sikhs for Justice have been concerned about the situation of the Sikh people for many years. In our previous written statement (A/HLP/26/NGO/9 and A/HLP/26/NGO/9/Corr.1) we informed the Council that during the 30 years since the attacks by the Indian military forces on the Golden Temple in Amritsar, Sikhs are still subjected to arrest and torture. Freedom of assembly and opinion are denied. A number of Sikh leaders have disappeared after being taken into custody. Participants in the 1984 events have been promoted to key positions in the Sikh areas, notably Sumedh Saini who was promoted to the post of Director General of Police in Punjab in 2012. Sikh leaders, organizations and publications are monitored, and the people threatened with the "terrorist" label if they publicly promote any form of autonomy.

The continuing violations today have the same aim as the 1984 attack --to target the leadership of the movement for right to self-determination and to obliterate the Sikh culture. Since 1984, much of the Sikh leadership and thousands of Sikh people have sought and received political asylum in many countries: the destruction of the Sikh Library and other Sikh facilities in the region have proved to be devastating to the Sikh cultural history and identity.

Unfortunately, neither the 1984 action by the Indian military forces nor the continued violations of basic human rights of the Sikh people have been the subject of meaningful inquiry by relevant United Nations bodies. This is troubling due to the fact that the Sikh claim the right to self-determination and the right to self-determination is a norm of *jus cogens*. As we set out in the above-cited written statement, the Sikh claim to self-determination clearly meets the five part test for self-determination: an identifiable territory; a history of self-governance in that territory; a distinct culture involving religion, language, social and other characteristics; a will for self-governance; and the capacity for self-governance.

- The Sikh Nation developed a national consciousness in the 17th century and established an independent and sovereign state in 1765 governed by Sikh rulers. This independent and sovereign Sikh state comprised the areas and territories of the currently Indian-held state of Punjab. The territory and leadership of the sovereign Sikh State was recognized by Great Britain and other European and Asian states until its conquest by the British in 1849 when it was the last nation to fall in the British conquest of the Indian subcontinent.
- The Sikh people of the Punjab have distinct religious, social, culture and linguistic characteristics.
- The Sikh people have shown a strong desire for sovereignty ever since the British left, and have worked continually for that end.
- The Sikh people clearly have the capacity for self-governance.

We regret that Human Rights Council has dropped the right to self-determination as a separate agenda item, leading to near silence when a people, such as the Sikhs, set out such a strong claim to the right. The failure of the Council to review a peoples' serious claims of self-determination has regrettably been a cause of serious violations of human rights and even mass atrocities of the peoples in their historic homelands. Recent attempts to remedy certain situations, including that of the Tamil people in Sri Lanka and the various ethnic nationalities in Myanmar such as the Rohingya people, have been far too little and far too late. We do not want the same tragic results in the Sikh homeland.

Part of the ongoing problem with the Sikh people in the Punjab besides that of the failure to recognize the legitimate claim to self-determination is that Sikhism as a distinct religion or culture is not fully recognized in India. Article 25 of the Constitution purports to grant freedom on religion in India, but a series of rulings by India's Supreme Court has upheld curtailing rights and has proclaimed that Sikhism is a form of Hinduism and part of what it refers to in a 2005 decision as the "Hindu fold" as an "Indic" religion.¹ In our view, this categorization of the Sikhs and the Sikh religion

¹ For discussion of this and other cases, see Ronojoy Sen, "Legalizing Religion: the Indian Supreme Court and Secularism," East-West Center Policy Studies 30 (2007) in which the author argues that the Court, in what he calls the "Hindutva judgments" has "consistently homogenized and rationalized religion" and strengthened Hindu nationalism to the severe detriment of minorities. The Hindutva group is militantly Hindu and vows to clear India of

as a form of Hinduism is to undermine the strong claim to self-determination based on a distinct religion and culture in the historic territory. Sikhs who object to being considered "Hindu" in the poorly disguised attempt to deny their self-determination claims are at great risk. India uses the concept of territorial integrity to keep the international community away from an honest reading of the history of the area.

The election of Narendra Modi does not bode well for the Sikhs in the Punjab. Mr. Modi was soundly condemned while Chief Minister of Gujarat when he closed over 2000 police cases against non-Hindu religious minorities who were killed, beaten, raped and had their properties destroyed in riots. As a result of this the Supreme Court of India ordered the reopening of the cases, calling Mr. Modi a "modern day Nero."² Mr. Modi, a member of the Bharatiya Janata Party (BJP), won the election with strong support of the "Hindutva" faction of the party. He ended his campaign in Varanasi, a stronghold of Hindu nationalism. While he has apparently tempered his views on Hindu nationalism while abroad or with the international community, our organizations are not convinced that he has truly modified his views or his plans to reinforce Hindu nationalism in India.

The Sikh people in the Punjab and the Sikh communities in the diaspora have indicated over and over that Sikhs are not safe under the control of the India government. The numbers of disappeared and threats against them are escalating. Sikhs continue to seek and receive asylum based on clear evidence of persecution. They are now beginning to openly demonstrate against the Indian authorities claiming that their will in regards to governance is not granted and that they demand a way to show their political wishes by some form of referendum. This, of course, is likely to create serious problems in retaliation by the authorities and has led to escalating violence. India tries to keep this away from the international community by threats to the local media and by continuing to "polish" Mr. Modi's image. Nonetheless, there have been numerous rallies of Sikh people in the diaspora, and during Mr. Modi's trips abroad he has even tried to intervene against the Sikh communities in the host countries in a way that we consider intervening in a States domestic affairs.

We urge the Council and the relevant mandate holders to look into the situation of the Sikh people in the Punjab and to formulate solutions, such as a referendum, to determine their political will. In our view, in light of the Sikh's right to self-determination, there is no solution to the situation unless there is such a referendum and, if the Sikhs vote for independence, the international community demands realization of this outcome. Surely no one wants yet another "far too little, far too late" tragedy.

*Association of Humanitarian Lawyers and Sikhs for Justice, NGOs without consultative status, also share the views expressed in this statement.

non-Hindu people of force their conversion to Hinduism. They have also led the laws criminalizing the conversion by Hindus to other religions. These laws are now enacted in a number of Indian states.

² Representative John Conyers reported on this in the Congressional Record of March 16, 2005, and expressing grave concerns about Mr. Modi, denounced his public openness about his intolerance of non-Hindu people.



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council

Thirtieth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement^{*} submitted by the International Career Support Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 August 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14918(E)



Please recycle



Comfort women are Professional

Koreans and anti-japan extreme left Japanese has asserted that self-confessed comfort woman was forced to become "sex-slaves".

However, they are in fact high salaried prostitutes.

If they were coercively abducted and forced to become "sex slaves", the notice of working place and working time were not required to sex slaves, however advertisements made by Korean Recruiting the comfort woman working in brothel. Figures of over 300 Japanese Yen monthly salaries deserves that of more than colonel, and comfort woman has received 30 times of salaries of private soldiers that received 6 Japanese Yen monthly salaries.

Yoshihisa Komori, special committee of Sankei has explained that comfort woman has received salaries in TV program of famous US caster, Mr. Larry King. Mr. Larry King has very surprised, because if comfort woman were received the salary, they were not "sex slaves" but only prostitutes.

These misunderstanding that comfort woman was sex slaves is proliferating all over the world.

The book of deposit balance of self-confessed comfort woman which was received in "Kumamoto Postal Savings Office Center".

At September 29 (1945), Deposit balance of 27,241 Japanese Yen deserves

2 years worth of salary of Japanese Prime Minister,

4 years worth of salary of Minister of Korean State,

4.1 years worth of salary of Admiral.

378 years worth of salary of Private soldiers.

This report is based on the information from the interrogation of Twenty Koreans "A comfort girls" and two Japanese civilians captured in Great East Asia War.

Preface: "A comfort girl" is nothing more than prostitute or

professional camp follower" attached to the Japanese Army for the benefit of the soldiers.

The word "A comfort girl" is particular to the Japanese.

Editor: Kyoko Suzuki



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council

Thirtieth session

Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Written statement^{*} submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[28 August 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14919(E)



Please recycle A small circular logo with a recycling symbol inside.



Lebanon: torture and gross violations of human rights

It began haunted by the accumulation of waste in Lebanon on August 17, 2015, which moves a group of young men to organize a sit on 19 August 2015 in Riad Solh Square in Beirut to demand the government to address the social and waste issues.

During this popular sit in the arrest of a number of participants on 28/7/2015: Tarek Mallah, Firas Bo Zainuddin, Ehab Yazbek and Bilal Allaw were investigated, which led to an escalation of actions to release them. They were released on 31/7/2015.

A group calling it the "Talaat Rihtkm" and others began organizing a sit-in on 22 August 2015 in Riad Solh Square and at the beginning of the protest it was peaceful and then clashes with the internal security forces that threw water and rubber bullets and bombs, tear gas and beatings with sticks demonstrators began.

On 23 August 2015 a renewed clash with security forces during the sit-in with the entry of infiltrators agitators to thwart the first move of its kind in Lebanon.

Led confrontations to fall nearly 402 wounded as a result of acts of violence against demonstrators and there is a serious condition in intensive care at the American University Hospital, a young Muhammad Kassir, who was shot in the head in a sit-August 23 215. The injured from the internal security forces according to a statement issued them arrived to nearly 99 of them. During these two days, about 43 young people were arrested by the security forces and the army. (Most of them were released later)

But on 25 August 2015 and with the continuation of the wave of demonstrations as a result of the government's inability and confusion to got acts, a number of detainees was tortured and the number of wounded nearly 100 wounded were divided in hospitals and there are those who have been arrested about 87 detainees and the number of missing, and dish drug screening to stick the charges against them in addition to the people of the severity of torture has appointed Ali Yazbeck by security forces and dozens of cases of torture documented with pictures.

The fire on the demonstrators and throwing tear gas and subjected to torture and brutal detention of minors but an abuse of the Universal Declaration of Human Rights and all international conventions signed by Lebanon, which guarantees the right to expression and the right to peaceful assembly and prohibits torture.

Khiam Rehabilitation Center for Victims of torture holds the Lebanese government and its security forces responsible for the suppression of the peaceful protest movement and calls on the Human Rights Council to the accountability of the Lebanese government to the torture suffered by protesters and pressure it to comply with the Convention against Torture and respect for human rights in the expression and the right to peaceful assembly and not to impunity for the perpetrators of torture with impunity.



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council
Thirtieth session
Agenda item 6
Universal Periodic Review

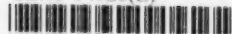
Written statement* submitted by the International Commission of Jurists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14920(E)



Please recycle



Maldives should accept and implement UPR recommendations on judicial independence and the rule of law to restore democratic transition

In the May 2015 Universal Periodic Review (UPR) of Maldives, member states issued recommendations for strengthening judicial independence, strengthening the national human rights commission (NHRC) and other constitutional institutions, protection of human rights, including religious freedoms, media freedoms, freedom of association, assembly and expression, and the rule of law, among others (Doc. A/HRC/WG.6/22/L.6). The Maldivian government agreed to examine and respond to several recommendations before the 30th session of the Human Rights Council, and outright rejected others.

The International Commission of Jurists (ICJ) believes that the deteriorating human rights and rule of law situation in the country will only be rectified if the Maldives government accepts and immediately implements these recommendations, including those which it initially rejected, and that to date it has not demonstrated any concrete steps in this regard.

The ICJ is concerned about the ongoing politicization of the judiciary, which has seriously compromised its independence and impartiality (relevant UPR recommendations, 143.45-57).

The Judicial Services Commission (JSC) fell short of its constitutional responsibility to properly vet and reinstate a professional judiciary during the transition period of the country, and has remained deeply politicized itself and incapable of carrying out its mandate free of undue political interference. The Maldivian authorities have thus far failed to implement any legal or institutional reforms to strengthen the independence and impartiality of the JSC (recommendations 143.48-50 and 143.54).

As a result, the pre-transition judiciary that operated as an administrative tool of the authoritarian regime remains largely intact and has displayed a lack of independence, impartiality and accountability in the conduct of its business, inconsistent with international human rights standards (recommendations 143.46, 143.47, 143.51-53, 143.55 and 143.57).

Maldives has thus far failed to take necessary measures to strengthen the capacity of judges by ensuring adequate training, especially on human rights, and ensuring a consistent educational qualification standard for candidates entering the judicial profession, as required by international standards (recommendations 143.50 and 143.54).

Since 2013, when the current government came to power, the crisis in the judiciary has worsened. The Supreme Court in particular has not adhered to internationally and domestically recognized principles of judicial independence, impartiality and accountability, and operates without sufficient respect for fairness and procedural safeguards. In 2013, the Supreme Court granted itself the power to initiate *suo motu* criminal investigations against any individual or institution, without clearly defining its jurisdictional authority or procedural guidelines for exercising this authority.

The Court exercised this *suo motu* power on two occasions, by invoking criminal proceedings against the Election Commission and the National Human Rights Commission. In the case against the Election Commission, the Court found the Commission's president and vice-president in contempt of court for alleged statements made commenting on election regulations the Court itself issued in a prior case. The Court removed them from their posts, even though the Constitution clearly defines the removal procedure for election commission members as applicable only in extraordinary cases of misconduct or incapacity and only through a parliamentary process. The Court's actions in this case infringed on the constitutional prerogative of the independent institution and the rights of the individual members (recommendations 143.45, 143.51 and 143.56).

In the case against the NHRC, the Court charged the NHRC with "treason" for its criticisms of the judiciary's record in its 2014 submission to the Human Rights Council in advance of the Maldives 2015 Universal Periodic Review (UPR). The Court's actions in this case flagrantly violate international standards, including as adopted by the General Assembly and the Human Rights Council, on the independence of national human rights institutions (NHRIs), in particular the UN Paris Principles; the Declaration on human rights defenders; and reprisals against those who cooperate with the United Nations (recommendations 143.27-29).

The Court has also abused its authority in a manner that infringes on the principles of separation of powers and judicial accountability (recommendations 143.51 and 143.56). In early 2015, the Court unilaterally amended the Judicature Act by reducing the statutory appeal period from 90 days to 10 days, doing so via a sudden and unanticipated circular, severely curtailing the rights of criminal defendants to appeal.

The arbitrary removal of two Supreme Court judges in 2014 for "incompetence" transpired under highly controversial circumstances. The Parliament amended the Judicature Act, which organizes the judiciary, reducing the Supreme Court bench from 7 to 5, and instructing the JSC to identify two judges who could be removed for "incompetence" within 24 hours. The JSC did so, and the Parliament approved this removal within the next 24 hours. The judges in question were never notified of the proceedings to remove them, given an opportunity to defend themselves or otherwise respond. The proceedings violate international principles of judicial independence, the Maldives' Constitution's own procedures for removal of sitting Supreme Court judges (recommendations 143.46-47, and 143.50-56).

Politically motivated criminal proceedings, most notably the arrest, detention, trial and appeal of former President Mohamed Nasheed in March 2015, have involved arbitrary detention and violations of the right to fair trial (recommendations 144.40-42). Mr. Nasheed was denied his rights to an adequate opportunity to prepare a defense, to access counsel and to challenge the grounds for his detention throughout his trial. The Maldives authorities arbitrarily amended the statutory appeal period from 90 days to 10 days, and failed to provide an accurate trial record to the defense team until after the appeal period had lapsed, as would be required in order to prepare an effective appeal, thereby violating Mr. Nasheed's right to appeal. Following his conviction, Mr. Nasheed's sentence was commuted to house arrest in June 2015. On 23 August 2015, however, Mr. Nasheed was unexpectedly and without clear legal basis returned to prison.

Maldives has failed to take steps to safeguard, let alone strengthen, the independence of the National Human Rights Commission. The Human Rights Commission Act has not been amended to date to ensure its compliance with Paris Principles (recommendations 143.27-29).

The NHRC has faced unlawful interference from both the Supreme Court and the Parliament, in the treason charges invoked against it by the Court for its UPR submission, and by the Parliament's irregular summoning of the NHRC to question them about public statements about the fair trial concerns in Mr. Nasheed's case during an extraordinary nighttime closed door session which suggested undue interference and possible intimidation (recommendations 143.27-29).

The deterioration of the rule of law and human rights create an environment conducive to attacks against journalists, including the enforced disappearance of the journalist Ahmed Rilwan in 2014, threats of dissolution against civil society organizations and violence against media outlets and human rights defenders. The Maldives has thus far failed to conduct prompt, effective investigations into any of these instances, and has failed to bring to justice the perpetrators of these crimes. In the case of journalist Rilwan, Maldives has failed to make substantial progress (?) in the investigation after more than a year, and has not provided any information as to the status of the investigation to his family. These human rights abuses against civil society and media, and the failure of the state to address the culture of impunity are inconsistent with international human rights standards (recommendations 143.57 and 143.61).

Recommendation 143.67 calls for implementation of laws tackling increased women's participation in public office. Maldives has still failed to undertake any systematic policy or legal initiatives to boost women's representation in the judicial profession. To date, there are only 3 female judges among the 197 judges in the Maldivian judiciary, and none on the Supreme Court.

Strengthening independence, impartiality and accountability of the judiciary and independent constitutional institutions is crucial for getting the country back on track towards democratic consolidation. In particular, the ICJ urges Maldives to accept and implement all of the above-cited UPR recommendations on:

- Strengthening the independence and impartiality of the judiciary,
- Strengthening the independence and impartiality of the JSC,
- Strengthening the independence of the NHRC, in accordance with the Paris Principles,
- Strengthening women's representation in the judicial profession,
- Immediately releasing Mr. Nasheed and other political prisoners and ensuring the fairness of any further legal proceedings in such cases,
- Safeguarding freedom of expression and media, association and peaceful assembly by investigating cases of human rights abuse and violations against journalists, civil society and human rights defenders, and taking effective measures to prevent further abuses.

For more detailed analysis, see International Commission of Jurists, *Justice Adrift: Rule of Law and Political Crisis in the Maldives A Fact-Finding Mission Report*, 25 August 2015, <http://www.icj.org/maldives-political-crisis-erodes-rule-of-law-and-human-rights/>



General Assembly

Distr.: General
3 September 2015

English and French only

Human Rights Council

Thirtieth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by the International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic & Other Minorities, a non- governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14922(E)



Please recycle



Alawites, a religious minority in Syria a community in danger of extermination

Since the rise of jihadism in the Middle East, the fate of Muslim minorities has become a major concern for the international community.

For persecuted Christians in Iraq or Syria, an international human chain came forward.

The Yazidi minority in Iraq whose men are shot and whose women and children reduced to slavery by the Islamic State have also given rise to unprecedented sympathy in Europe and throughout the world.

The Kurdish resistance and particularly the women combatants who have courageously defended Kobane (Ayn al-Arab) conquered the heart of public opinion.

On the other hand, Alawites have not benefited from any momentum of sympathy although they are the prime victims of terrorist groups.

Syria is inhabited by some 2,8 million members of this religious minority.

Alawites live mostly in their historical stronghold, Ansari Jebel, a mountain chain which extends north-south parallel to the Syrian coast.

Confined to the Jebel for almost a millennium because of its heterodox Islam, this community was allowed to go down to the cities only owing to the creation of modern Syria and the accession of the Ba'ath party.

Since the 1960s, tens of thousands of Alawites have left the provinces of Latakia and Tartus to settle in the cities of Homs and Damascus.

Driven by misery, most of the young Alawites for centuries swelled the ranks of the army, almost the only perspective of this marginalized minority. A legend tells that Alawites have a flat head because of their fathers tapping them at the back of the head saying: "Go to Damascus to become a soldier."

Their relative over-representation in the ranks of the Syrian army, which is secular and multi-confessional, is today the excuse for the jihadist groups to sow anti-Alawite hatred and create confessional polarization in the country. Even so-called "moderate" opposition groups regularly use "nusayri", a disparaging term for Alawite, in degrading expressions such as "Nusayri regime", "Nusayri army", "Nusayri dictatorship" to exhort Sunni Muslims to repudiate Syrian institutions and the army.

Some Western media outlets, strategists and observers also relay the fiction of an Alawite plot within the Syrian State. The Syrian State is multi-confessional on all levels: army, police, administration, judicial authorities, political parties such as the powerful Ba'ath are all mixed institutions.

The Vice-President of the Republic, Ms Nasjah Attar, the Prime Minister Wael Al Halqi, the head of intelligence Ali Mamluk and most of the ministers such as Defense Minister Fahd Jassem el Freij and Foreign Affairs Minister Walid Muallem are Sunnis.

Contrary to countries like Turkey, "secular" although very much anti-Alevi, or Saudi Arabia or Bahrain, which practice discriminatory policies toward Shias, Syria has never known confessional apartheid under Ba'ath domination nor today's president.

The demonization to which the Alawites are subjected in the war in Syria takes pernicious forms. For instance, it is not rare to find very serious Western publications commenting the war in Syria from the angle of a Sunni/Alawite conflict

while the Syrian conflict is essentially political, ideological, geo-strategic and mainly triggered by external actors. Accusing the Alawites of being at war against the Sunnis and vice-versa reinforces distrust between these two communities.

Conservative Syrian milieus, which have a tendency to reduce everything to religious and confessional identities, espouse such a view. Neither do they make any secret of their project to purge Syria of Alawites. Although anti-Alawite hatred is millennial, a major intensification occurred in opposition circles before and after the "Syrian spring". It was precisely by radicalizing their xenophobic speech focused on the Alawites that armed groups grew to prominence.

In August 2013, three Alawite truck drivers from Tartus were humiliated then executed in Anbar in Iraq for not having prayed in the Sunni manner. Their executioner Abu Wahib, a fearsome chief of Daesh, earned the nickname "Alawite hunter", which even increased his popularity among Syrian opposition groups.

Today, after four years of war, the so-called "liberated" zones are declared cleared of Alawite presence. This means that no Alawite has the right to live in the Jabhat Al-Nusra Emirate nor in the Caliphate of the Islamic State. And the first question terrorist groups ask a captured loyalist is: Alawite or Sunni?

Hamza Aleyan, a member of the Syrian military arrested in Jisr al-Choghur in April 2015 answered the fateful question: "Yes, brother Alawite, brother." He had barely uttered the sentence when the executor finished him off by machine gun. Then he turned towards the camera and shouted: "I swear by Allah that we will cut their throats of all of them to the last."

The Alawite has therefore no chance of surviving in the rebel-controlled areas. He is in fact not considered one of the people of the Book, unlike Jews or Christians. For their part, the Alawites refuse to speak about the genocide of which they are victims for fear of distancing themselves from majority Islam and thus setting themselves apart from their neighbours and Sunni brothers. One will recall that the only regions where Alawites and Sunnis live together in a relative harmony are the government-controlled zones. Throughout the war, the two coastal provinces of Alawite majority, Latakia and Tartus, have welcomed hundreds of thousands of fleeing Sunnis and Christians.

Accusing the Alawites of confessionalism, as purveyed in some media, is thus nonsense because Alawites do not proselytize nor are they sectarian. They struggle for their survival by hiding their identity as much as possible and by taking refuge in Syrian patriotism. If the coastal provinces which shelter the Alawite minority fall into the hands of jihadist groups, a veritable genocide will occur. In November 2012, the executive director of the Global Center for the Responsibility to Protect, Simon Adams, predicted that the next genocide in the world would be that of the Alawites. This genocide is now under way in the face of general indifference and deafening silence.

The Jabhat Al-Nusra, the Syrian Branch of Al-Qaeda, is at the door of Latakia and Tartus. This terrorist group, which is considered less cruel than Daesh, promises nevertheless to exterminate the Alawites down to the last person. On 4 August 2013, Jabhat Al-Nusra supported by several brigades of the Free Syrian Army (FSA) said to be "moderate", took control of 11 Alawite villages in the mountains of Latakia. The massacre that ensued was of atrocious savagery.

At present, Jabhat Al-Nusra is moving in force towards Latakia, and it will not be possible to say that we did not know.



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council

Thirtieth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Nord-Sud XXI - North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14925(E)



Please recycle



Situation of internally displaced persons and migrant workers in Libya*

We wish to draw the attention of the 30th regular session of the Human Rights Council to the plight of internally displaced persons (IDPs) in Libya. In fact, Libya is currently host to one of the rapidly growing communities of IDPs in the world compared to its population size. At the end of June 2015, the Office of the UN High Commissioner for Refugees (UNHCR) estimated the number of IDPs in Libya at more than 434,000 compared to 230,000 IDPs in September 2014, which represents an increase of about 90% over a period of 9 months. Meanwhile, the Libyan Red Crescent Society estimated that there were over 500,000 IDPs in Libya at the end of June 2015.

On the other hand, it is estimated that more than 2.2 million Libyan nationals were forced to flee the country into exile in the last few years. While some of these people live as documented migrant workers, many others live as refugees, asylum seekers or undocumented migrants, especially in Egypt, Tunisia, Algeria, Morocco, Mauritania, Chad and Niger. About 100,000 Libyans live as refugees in Western Europe and other countries. The combined numbers of IDPs in Libya and exiled Libyan nationals who live abroad represent about 40% of the country's population of 6.7 million.

On all accounts, the estimated number of IDPs in Libya does not accurately reflect the magnitude of the crisis of internal displacement in the country. This is because of the limited access to the affected areas due to the volatile security situation and the ongoing fighting and clashes in areas where IDPs are in greater numbers. Absence of international humanitarian agencies, which left Libya in mid-July 2014 and the weak presence of the State's apparatus has heavily affected accurate data collection on the status of IDPs. However, the largest known congregation of an IDP population, estimated at 105,000 individuals, is settled in Benghazi in eastern Libya.

IDPs in Libya live in precarious conditions lacking life-saving needs such as food, clean water, medical care, sanitation and above all suitable shelter. Thousands of IDP children are in urgent need of vaccination against childhood diseases. It is to be noted that no immunization campaign has been carried out since 2011 in most parts of Libya. The living conditions of IDPs are particularly dire in the southern regions where frequent inter-tribal clashes take place between the Tebu and Tuareq communities. Both groups opt for violence to resolve their conflicts over the control of territory. It has been reported that IDP communities in Sabha, Nafusa Mountains, Bani Waleed, Murzuq, Jufra and Kufra live in makeshift shelter as well as schools, factories and empty buildings. In some extreme cases IDP families live in empty water tanks such as the situation in the desert border town of Ghat.

Forced internal displacement in Libya seems to be a deliberate act that has been used as a warfare strategy against certain segments of Libyan society for political motives. Militia formations, especially members of "Libya Down", which reportedly started the process of forced displacement of civilians in early 2011, continue this practice against civilian, particularly targeting communities considered as supporters of the former regime. They are also believed to be preventing IDPs from returning to their homes or areas of origin such as the case with IDP communities from Misrata, Tripoli, Warshafana, Kikla, Al-Goulesh, Al-Mashasha, Nafusa Mountains and Awbari. Preventing IDPs from returning to their homes forced them to move from one place to another in search of security and shelter, which in turn created a situation of protracted displacement and hindered accurate calculation of their numbers.

There are also reports that Libyan nationals of African heritage are particularly targeted by the forced displacement campaign and are ill-treated and abused. More than 30,000 inhabitants of Tawergha town, south of Misrata have been forcibly displaced from the town since the beginning of the crisis in Libya in early 2011. Tawergha, which is predominantly inhabited by Libyan nationals of African descent, has been entirely abandoned and its displaced inhabitants were prevented from regaining their homes and belongings. Meanwhile, thousands of Libyan citizens of African heritage have been forced out of their homes in some cities such as Misrata, Benighazi, Tripoli etc. These victims currently live as IDPs in miserably settlements scattered in different parts of the country.

The situation of migrant workers in Libya is comparable to that of IDPs in many aspects. They face unbearable suffering and violations of their human rights. Migrant workers, especially those originating from Sub-Saharan Africa, hailing from countries such as Sudan, Chad, Eritrea, Ethiopia, Nigeria, Ghana, Mali, Niger, Senegal and Burkina Faso etc. are bearing the brunt of this suffering and violations. These migrants have been working in civilian positions in

Libya for generations and are well integrated in the Libyan society. They are collectively labelled by the belligerent parties as mercenaries and targeted because of their nationalities.

The situation of would-be asylum seekers and undocumented migrants that are currently held in detention centres run by Libya's Borders Guard is deplorable. They are held in massively overcrowded facilities with very poor sanitation and medical care. The majority of these victims are would-be migrant and asylum seekers caught during their attempts to cross the Mediterranean Sea into Western Europe. In these detention centres serious abuses, torture and degrading treatment are meted out against these migrants, including severe whippings, beatings, and electric shocks. Women and girls detainees are subjected to all forms of humiliation and sexual assaults by male guards. Meanwhile, human trafficking has become a lucrative business in Libya and that militia groups are using it to secure the necessary funding to procure weapons etc.

We wish to remind the UN Human Rights Council that in its reports (A/HRC/17/44 dated 1st June 2011 and A/HRC/19/68 dated 8th March 2012), the International Commission of Inquiry on Libya documented serious crimes committed by all parties to the conflict. The Commission established that: "... acts of torture and cruel treatment and some outrages upon personal dignity in particular humiliating and degrading treatment have been committed by opposition armed forces, in particular against persons in detention and migrant workers."

We are concerned that violations of human rights and international humanitarian law against civilians in Libya have been committed in a systematic and organized manner while the world watches indifferently. This indifference persists despite clear indications suggesting the need for more robust efforts to arrest violence and massive violations of human rights and international humanitarian law and eventually save civilian lives; end the political stalemate and restore law and order in the country. The proliferation of armed militia groups, including the Islamic State in Iraq and Levant-Libya (ISIL-Libya) is an important development that must be addressed as a matter of priority.

We therefore strongly recommend that the 30th regular session of the Human Rights Council:

1. Condemns violence and violations of international human rights and humanitarian law in Libya and calls upon the warring parties in Libya to put an immediate end to the fighting and all other abuses of human rights and international humanitarian law, in particular the forced displacement of civilians.
2. Demands that all the warring parties fully cooperate with the UN human rights mechanisms and humanitarian agencies and groups. The warring parties must allow humanitarian agencies free, full and unhindered access to the victims of abuses committed in the country.
3. Requests the Representative of the United Nations Secretary General on Internally Displaced Persons and relevant Working Groups and thematic mandate holders to accord special attention in their work to the situation of IDPs in Libya. They should investigate all allegations of forced displacement and prevention of IDPs from returning to their hometowns and regain access to their lands and properties.
4. Calls upon all States, especially those from Sub-Saharan Africa, to intensify efforts with the authorities in Libya and persuade them to end armed confrontations and ensure that migrant workers in Libya are protected and their human rights respected.
5. Ensures that all its future actions on Libya involve recommendations on adequate measures and action to hold accountable individuals and groups responsible for the most serious violations of international human rights and humanitarian law, including forced displacement of civilians, and that the victims of such abuses receive justice, relief, atonement and reparations for their losses.

*Omar Al-Mukhtar Human Rights Institute, NGO without consultative status, also shares the views expressed in this statement.



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council

Thirtieth session

Agenda item 8

Follow-up and implementation of the Vienna
Declaration and Programme of Action

**Joint written statement* submitted by the Ewiiapaayp Band
of Kumeyaay Indians, National Congress of American
Indians, Native American Rights Fund, non-governmental
organizations in special consultative status, Indian Law
Resource Centre, non-governmental organizations on the
roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14930(E)



Please recycle



Combating Violence Against Indigenous Women*

"Violence against women is a human rights violation that precludes the realization of all other human rights."¹ Violence against women and girls is widespread,² a form of discrimination,³ and "one of the most pervasive violations of human rights" worldwide.⁴ It is persistent, and no country is free of this scourge. This is so even though many universal and regional human rights treaties set out rights crucial to the protection of women from violence, including rights to life, liberty, and security of the person; to be free from torture and from cruel, inhumane, or degrading treatment or punishment; to be free from slavery and servitude; and to equal protection of the law.⁵

Violence against indigenous women is a pandemic that significantly violates or impairs "their enjoyment of all human rights and fundamental freedoms."⁶ Dedicated attention to the rights of indigenous women and girls is urgently needed because their situation is so dire. "[I]ndigenous women and girls . . . often experience multiple forms of discrimination, which may increase their vulnerability to all forms of violence."⁷ They are particularly vulnerable to human trafficking.⁸ Indigenous women and girls also suffer disproportionate rates of violence and murder not only because of their gender, but also because they are members of indigenous peoples and communities.⁹

In the United States, Indian and Alaska Native women are 2.5 times more likely to be sexually assaulted or raped than other women in the United States; one in three will be raped in her lifetime, and six in ten will be physically assaulted. On some reservations, the murder rate for indigenous women is ten times the national average. The United States has taken some recent affirmative steps to improve its laws to protect indigenous women. However, significant legal and other barriers to indigenous women's safety and access to meaningful justice remain. For example, the crisis of violence in Alaska Native villages remains largely unaddressed, and Alaska Native women "have reported rates of domestic violence up to ten times higher than in the rest of the United States and physical assault victimization rates up to twelve times higher."¹⁰ Indian and Alaska Native children also face an extremely dangerous situation, enduring rates

¹ *Violence against women – Joint Press Release by UN and IACHR Rapporteurs*, Trinidad (28 April 2015), at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15939&LangID=E>.

² *Statement by Ms. Rashida Manjoo, Special Rapporteur on Violence against women, its causes and consequences*, 59th Session, Commission on the Status of Women (March 9, 2015), available at <http://www.ohchr.org/Documents/Issues/Women/CSW/StatementCSW2015.pdf>.

³ United Nations Division for the Advancement of Women, *Background Paper for the Expert Group Meeting on Good Practices in Legislation on Violence Against Women*, U.N. Doc. EGM/GPLVAW 2008/BP.01 (May 2008), 3. Violence is a form of discrimination as it inhibits the ability of women to enjoy rights on a basis of equality with men. UN Permanent Forum on Indigenous Issues, *Study on the extent of violence against indigenous women and girls in terms of article 22(2) of the United Nations Declaration on the Rights of Indigenous Peoples*, E/C.19/2013/1 (Feb. 12, 2013), 2.

⁴ *Statement by the UN High Commissioner for Human Rights, Navi Pillay, on International Women's Day: Violence against women* (March 8, 2013).

⁵ United Nations General Assembly, Report of the Secretary General, *In-depth Study on All Forms of Violence Against Women*, U.N. Doc. A/61/122/Add.1 (2006), at ¶ 243. See also the Convention on the Elimination of All Forms of Discrimination against Women, Declaration on the Elimination of Violence against Women, and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará).

⁶ *Accelerating efforts to eliminate all forms of violence against women: violence against women as a barrier to women's political and economic empowerment*, 2, U.N. Doc. A/HRC/26/L.26/Rev.1 (June 25, 2014).

⁷ *Id.* at 3.

⁸ United Nations Economic and Social Council, Permanent Forum on Indigenous Issues, *Study on the extent of violence against indigenous women and girls in terms of article 22(2) of the United Nations Declaration on the Rights of Indigenous Peoples*, E/C.19/2013/9 (Feb. 12, 2013).

⁹ *Id.*

¹⁰ *A Roadmap for Making Native America Safer, A Report to the President and Congress of the United States*, Chapter 2, Reforming Justice for Alaska Natives, p. 41 (November 2013).

of exposure to violence higher than any other group of children.¹¹ These "children experience post-traumatic stress disorder at the same rate as veterans returning from Iraq and Afghanistan and triple the rate of the general population."¹² Simply put, United States law often fails to protect indigenous women and children from violence because of systemic and discriminatory barriers.

Council Resolution 6/30 reaffirms "the need to implement fully human rights law. . . in order to protect the human rights of women and girls," and recognizes the need to integrate the human rights of women in all aspects of the work of the United Nations, including the treaty bodies, this Council and its various mechanisms, and into all UN activities, including conferences such as the 2014 World Conference on Indigenous Peoples and their outcome documents.¹³ Recently, Council Resolutions 23/25 and 26/15 recognized the urgent need to *accelerate* efforts to eliminate all forms of violence against women.

The UN Declaration on the Rights of Indigenous Peoples is a significant affirmation of the rights and special needs of indigenous women and children. Similar to Resolution 6/30's call to integrate a gender perspective into all UN policies and programs, Article 22(1) urges states to pay particular attention to the rights and special needs of indigenous women, youth, and children in implementing all provisions of the UN Declaration. Article 22(2) directs states, in conjunction with indigenous peoples, to take measures to protect indigenous women and children against violence and discrimination.

The Outcome Document of the World Conference on Indigenous Peoples furthers implementation of the UN Declaration through states' commitments to support the empowerment of indigenous women and to intensify their efforts to prevent and eliminate violence and discrimination against women by strengthening legal, policy, and institutional frameworks.¹⁴ States requested further actions by UN bodies, including development of an implementing body for the UN Declaration and a System-wide Action Plan by the Secretary-General to realize the ends of the UN Declaration.¹⁵ It is important that these actions be carried out with particular attention to the rights of indigenous women and children to ensure their full protection from all forms of violence and discrimination. Recently, the Special Rapporteur on violence against women recommended the development and adoption of a binding international instrument on violence against women and girls, "thereby providing for international scrutiny and accountability through a dedicated monitoring body."¹⁶ The implementing body for the UN Declaration, with its special attention to the rights of indigenous women and children, could serve as an important complementary body with the necessary expertise to address violence against indigenous women and girls.

States also requested in the Outcome Document that the Human Rights Council consider examining the causes and consequences of violence against indigenous women and girls. To this end, we recommend that the Council:

1. *Decide* to organize and hold at its 32nd or 33rd session, a half-day panel discussion on violence against indigenous women and girls, in cooperation with indigenous peoples, to examine the causes and consequences of such violence and to intensify sustained efforts within the UN and among states to prevent and eliminate all forms of violence and discrimination against indigenous peoples, particularly indigenous women and children;
2. *Invite* the Secretary-General to issue a report with concrete recommendations for action on the issue of violence against indigenous women and girls, with a view toward enhancing the Council's special procedures mandates by requiring regular joint reports; and

¹¹ *Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending Violence so Children Can Thrive*, Executive Summary at 2 (November 2014).

¹² *Id.*

¹³ G.A. Res. 69/2, U.N. Doc. A/RES/69/2 (Sept. 25, 2014).

¹⁴ *Id.* at ¶¶ 17, 18.

¹⁵ *Id.* at ¶¶ 28, 31, 40.

¹⁶ *Violence against women, its causes and consequences*, Note by the Secretary-General, ¶¶ 66, 67, U.N. Doc. A/70/209 (July 29, 2015).

3. *Urge* the Secretary-General to consider the rights and special needs of indigenous women and children in developing both the System-Wide Action Plan and the mandate and structure of the implementing and monitoring body for achieving the ends of the UN Declaration.

Violence against indigenous women and girls is a violation of human rights, a global outrage, and a barrier to achieving gender parity. We urge the Council to support these recommendations, prioritize them in its program of work, and to help identify measures and accelerate actions targeted at eliminating all forms of violence and discrimination against indigenous women and children everywhere.

*Alaska Native Women's Resource Center; Alliance of Tribal Coalitions to End Violence; Emmonak Women's Shelter; Mashantucket Pequot Tribal Nation; National Indigenous Women's Resource Center; Native Alliance Against Violence; Native Village of Anvik; Washington State Native American Coalition Against Domestic Violence and Sexual Assault; and the Yup'ik Women's Coalition. NGOs without consultative status, also share the views expressed in this statement.



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council

Thirtieth session

Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

**Joint written statement* submitted by the Ewiiapaayp Band
of Kumeyaay Indians, National Congress of American
Indians, Native American Rights Fund, non-governmental
organizations in special consultative status, Indian Law
Resource Centre, non-governmental organizations on the
roster**

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[29 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14931(E)



Please recycle



Advancing Decisions of the World Conference on Indigenous Peoples*

The United Nations World Conference on Indigenous Peoples was a significant step to advance the rights of indigenous peoples and to attain the standards of the UN Declaration on the Rights of Indigenous Peoples. The Outcome Document of the World Conference contains many concrete commitments by states, but much work remains to honor those commitments and fulfil the promises of the UN Declaration. Three major points in the outcome document require some further action: development of a permanent implementing and monitoring body for the UN Declaration;¹ establishment of new rules to enable the participation in the UN of indigenous governing institutions;² and UN actions to combat violence against indigenous women.³ Each of these decisions should be carried out with the full participation of indigenous peoples, their representatives and governments, as called for in the Outcome Document and the Secretary-General's report and recommendations.⁴

An Implementing Body. A strong and effective implementing and monitoring body with a broad mandate that promotes respect for indigenous rights and discourages violations is crucial for achieving the ends of the Declaration. The Expert Mechanism on the Rights of Indigenous Peoples is the body best suited to being restructured and repurposed with a new mandate that includes implementing and monitoring functions. The body should be empowered to invite and receive information from all sources; to conduct country visits; to issue studies, reports, and recommendations; and to offer general observations on recurring or systemic issues. The ability to consider information from relevant parties and to present reports with recommendations for actions by relevant actors, including the Human Rights Council, is an essential function of any serious implementing body. However, the mandate and work of the body must not jeopardize the existing mandates of the Special Rapporteur and the Permanent Forum, which each perform critical functions. The implementing body should enhance, not duplicate their work.

The composition and structure of the implementing and monitoring body should ensure a balance of indigenous and other experts, and both states and indigenous peoples' representatives should play a role in nominating and selecting members, having in mind the need to include experts from all regions of the world. The body will require a sufficient number of members and a sufficient number of meeting days to accommodate an expanded mandate. Existing human rights treaty bodies that do similar work consist of 10 to 25 experts who meet from four to nine weeks per year. The reformed body should include at least ten experts meeting in three annual two-week sessions. The body should be innovative and flexible and use cost-effective tools such as internet and teleconferencing technology when possible.

Participation of Indigenous Representative Institutions. Council Resolutions 18/8 and 27/13 recognize the need to find ways and means of promoting the participation of accredited indigenous peoples' representatives in the UN system. Systemic and institutional barriers to indigenous governing institutions' participation in the UN have been detailed in reports of the Secretary-General,⁵ and it is essential that new rules are developed to provide them with permanent participation rights within the UN. Current ad hoc arrangements for participation are unpredictable and inadequate. Indigenous governing institutions must have a status that respects them as rights-holders, and they must be able to participate as governments, not civil-society or non-governmental organizations.

The recent Secretary-General's proposal for the President of the General Assembly to establish an open-ended consultation process with states and indigenous peoples to determine next steps concerning participation⁶ and the

¹ G.A. Res. 69/2, ¶¶ 28, 40, U.N. Doc. A/RES/69/2 (Sept. 25, 2014).

² *Id.* at ¶¶ 33, 40.

³ *Id.* at ¶ 19.

⁴ The Secretary-General, *Report of the Secretary-General on Progress made in the implementation of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, delivered to the Economic and Social Council and the General Assembly*, U.N. Doc. A/70/84-E/2015/76 (May 18, 2015).

⁵ *Id.* The Secretary-General, *Report of the Secretary-General on Ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them, delivered to the Human Rights Council*, A/HRC/21/24 (July 2, 2012).

⁶ The Secretary-General, *Report of the Secretary-General on Progress made in the implementation of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, delivered to the Economic and Social Council and the General Assembly*, U.N. Doc. A/70/84-E/2015/76 (May 18, 2015).

Permanent Forum's call for the General Assembly to establish a new procedure to guarantee the effective participation of indigenous governments in the UN⁷ provide momentum to develop and establish these new rules. Toward that end, we recommend the creation of a stand-alone accreditation committee for indigenous governing institutions. Indigenous peoples must be heard directly in developing the accreditation standards. Accreditation standards and committee rules must be flexible and responsive to the regional realities and diverse characteristics of indigenous peoples' governing institutions.

Once accredited, indigenous governments should be able to participate in practically all UN meetings, to submit documents and proposals, make statements, and take part in UN activities on a permanent or ongoing basis. They should have priority over NGOs with regard to seating and order of speaking. Indigenous governing institutions are sovereign governments, and these new rules will enable them to make valuable contributions to the UN.

Action on Violence Against Indigenous Women. The UN Declaration affirms the rights and special needs of indigenous women and children. Article 22(1) urges states to pay particular attention to the rights and special needs of indigenous women, youth, and children in implementing all provisions of the UN Declaration. Article 22(2) directs states, in conjunction with indigenous peoples, to take measures to protect indigenous women and children against violence and discrimination.

In the World Conference Outcome Document states commit to further implementation of the UN Declaration by supporting the empowerment of indigenous women and intensifying their efforts to prevent and eliminate violence and discrimination against women by strengthening legal, policy, and institutional frameworks.⁸ States also requested development of an implementing body for the UN Declaration and a System-wide Action Plan to realize the ends of the UN Declaration.⁹ It is important that these actions be carried out with particular attention to the rights of indigenous women and children to ensure their full protection from all forms of violence and discrimination. Recently, the Special Rapporteur on violence against women recommended the development and adoption of a binding international instrument on violence against women and girls, "thereby providing for international scrutiny and accountability through a dedicated monitoring body."¹⁰ The implementing body for the UN Declaration, with its special attention to the rights of indigenous women and children, could serve as an important complementary body with the necessary expertise to address violence against indigenous women and girls.

States also requested that the Human Rights Council consider examining the causes and consequences of violence against indigenous women and girls. To this end, we recommend that the Council:

1. *Decide* to organize and hold at its 32nd or 33rd session, a half-day panel discussion on violence against indigenous women and girls, in cooperation with indigenous peoples, to examine the causes and consequences of such violence and to intensify sustained efforts within the UN and among states to prevent and eliminate all forms of violence and discrimination against indigenous peoples, particularly indigenous women and children;
2. *Invite* the Secretary-General to issue a report with concrete recommendations for action on the issue of violence against indigenous women and girls, with a view toward enhancing the Council's special procedures mandates by requiring regular joint reports; and
3. *Urge* the Secretary-General to consider the rights and special needs of indigenous women and children in developing both the System-Wide Action Plan and the mandate and structure of the implementing and monitoring body for achieving the ends of the UN Declaration.

⁷ Permanent Forum on Indigenous Issues, *Report on the fourteenth session* (20 April-1 May 2015), E/2015/43-E/C.19/2015/10.

⁸ G.A. Res. 69/2, ¶¶ 17, 18, U.N. Doc. A/RES/69/2 (Sept. 25, 2014).

⁹ *Id.* at ¶¶ 28, 31, 40.

¹⁰ Note by the Secretary-General, *Violence against women, its causes and consequences*, ¶¶ 66, 67, U.N. Doc. A/70/209 (July 29, 2015).

Violence against indigenous women and girls is a violation of human rights and a global outrage. We urge the Council to support these recommendations, to make them a matter of high priority in its program of work, and to help identify measures and accelerate actions targeted at eliminating all forms of violence and discrimination against indigenous women and children everywhere.

Taken together, these three broad but achievable measures are essential to the effective implementation of the Outcome Document, and are vital to the realization of the UN Declaration on the Rights of Indigenous Peoples.

*Alaska Native Women's Resource Center; Alliance of Tribal Coalitions to End Violence; Emmonak Women's Shelter; Mashantucket Pequot Tribal Nation; National Indigenous Women's Resource Center; Native Alliance Against Violence; Native Village of Anvik; Washington State Native American Coalition Against Domestic Violence and Sexual Assault; and Yup'ik Women's Coalition. NGOs without consultative status, also share the views expressed in this statement.



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council

Thirtieth session

Agenda item 7

Human rights situation in Palestine and other
occupied Arab territories

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[29 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14932(E)



Please recycle



A land without people, for a people without land

It all began from the Balfour declaration. Palestine before 1918 was a province within the Ottoman Empire and after 1918, it officially entered into Britain's sphere of influence. The British Mandate over Palestine included the Balfour Declaration of 1917 which stated that:

"His Majesty's Government view with favor the establishment in Palestine of a National Home for the Jewish People, and will use their best endeavors to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or any other country."¹

As it can be seen, Balfour declaration was therefore made by European power, about a non-European territory, without consulting the native people. Palestine was chosen for the establishment of a 'national home' for Jews. It is worth mentioning that Zionist leader after Balfour declaration had always talked about the re-constitution and re-building of Palestine which meant the establishment of an exclusive national home for the Jewish people:

Moshe Dayan (1969): "We came to this country which was already populated by Arabs, and we are establishing a Hebrew, that is a Jewish state here... Jewish villages were built in place of Arab villages..."²

And now, here we are: after all these years, not only the situation has not been better, but it gets worse and worse every day. The ultimate goal of the laws of war is to protect every single individual in the time of conflict. If the goal is ever achieved, that means no one can be outside of the protection of the law. But is that really the case?

It is unfortunate to say that even after 2009 Goldstone Report (The United Nations Fact Finding Mission on the Gaza Conflict), which concluded that the three principals of *jus in bello* or the laws in wars (distinction, proportionality and military necessity), were at many times infringed by Israeli military group; we have seen no change in Israelis approach in the time of conflict.

The same conclusion was reached after the recent 183-page report of the United Nation Human Rights Council on the 50-day Gaza war. The report suggested that Israel's overall military policy during the conflict may have "violate[d] the laws of war." In particular, it bemoaned the lack of accountability on the part of Israeli officials conducting the war and expressed dismay that Israel did not alter its strategy of airstrikes even after it became clear that many civilians were dying.³

More than 6,000 Israeli airstrikes, 14,500 tank shells and 35,000 artillery shells led to the destruction of about 18,000 dwellings in Gaza, as well as much of the impoverished territory's infrastructure.⁴

The report said that "the fact that the [Israeli] political and military leadership did not change its course of action, despite considerable information regarding the massive degree of death and destruction in Gaza, raises questions about potential violations of international humanitarian law by these officials, which may amount to war crimes."⁵

According to the U.N. investigations, conducted by an independent commission led by an American judge, 2,251 Palestinians were killed during the conflict. This figure includes 1,462 Palestinian civilians, including 299 women and 551 children. In Israel, six civilians and 67 soldiers were killed.⁶

¹ http://avalon.law.yale.edu/20th_century/balfour.asp

² http://www.camera.org/index.asp?x_article=371&x_context=7

³ <https://www.washingtonpost.com/news/worldviews/wp/2015/06/22/the-u-n-report-on-israels-gaza-war-what-you-need-to-know/>

⁴ <http://t.co/hTs91tEgrD>

⁵ Ibid.

⁶ Ibid.

"The extent of the devastation and human suffering in Gaza was unprecedented and will impact the generations to come," said Mary McGowan Davis, a former New York State Supreme Court justice who led the commission.⁷

- What has happened, is a clear violation of the International Treaties and Conventions of:
- 1949 Geneva Convention
- Protocols Relative to the Protection of Civilian Persons in Times of War
- 1980 UN Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons
- Rome Statute of the International Criminal Court
- self-determination

Israel's constant violation of international humanitarian law are included but not limited to:

- Attacks on government buildings and police
- Deliberate / indiscriminate attacks on civilian population
- Use of certain prohibited weapons
- Attacks on foundation of civilian life in Gaza
- Use of Palestinian civilians as human shields
- Deprivation of liberty / detentions
- Negative impact of the blockade on people of Gaza
- Ill Treatment of Palestinians in the West Bank
- Detention of Palestinians in Israeli prisons
- Violations of free movement and access

Moreover, an organization of Israeli soldiers known as "Breaking the Silence" released a report containing testimonies from more than 60 officers and soldiers from the Israel Defense Forces who served during the 50-day war against Hamas militants last summer in the Gaza Strip. Testimonies suggested a lax attitude toward protecting Palestinian civilian life as well as the admission that, in some instances, Israeli forces fired "purposelessly" and used "ridiculous amounts of fire."⁸

As we all know, Israel has a long, contentious history with U.N. investigations into its wars and refused to cooperate with the report's investigators, who were denied access to conduct their research in the occupied territories.

This is while, as history has proved, once a state denies to cooperate with the United Nation or the international community, UN Security Council, along with the world powers would target its people by various sanctions (Iran).

Thereby, Organization for Defending Victims of Violence (ODVV) calls on the UN and the international community to take coercive measures in order to stop the heinous acts of Israel in the occupied territory of Palestine. We believe that a violation of one principle will lead to the infringement of another. Thus, taking action is required now.

⁷ Ibid.

⁸ <http://www.breakingthesilence.org.il/>



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council

Thirtieth session

Agenda item 5

Human rights bodies and mechanisms

Written statement^{*} submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14933(E)



Please recycle



UN Special Procedures need more cooperation

The Organization for Defending Victims of Violence (ODVV) welcomes the Office of the High Commissioner for Human Rights for its excellent work. ODVV believes that the special procedures are the most important vital mechanisms of the Human Rights Council for promotion and protection of human rights. We highly appreciate and support their effective efforts and contributions to the improvement of human rights situation all over the world; and firmly call states to fully support and cooperate with the special procedures and in special occasions extend invitation to the mandate holders for the country visits.

In some cases we have seen that the required cooperation do not take place between the countries and special procedures. This is contrary to the countries' international commitments and lead to the fact that some special procedures keep facing difficulties in carrying out their mandates in an effective manner in the absence of access to enough and suitable evidences and documents.

Since August 2014 to-date, following the establishment of the Independent Commission of Inquiry on the Gaza Conflict, Israel had no cooperation with the Commission. However, during the one year investigation on the Gaza conflict, the Commission completed its mission by relying on indirect evidences. Accordingly, the Commission prepared its 2015 report based on the NGO's reports, 280 interviews with the victims, witnesses and 500 written complaints.

Although the Commission managed to complete its mandate, a direct visit would facilitate the Commission's access to real statistics leading to preparation of a well -documented report, which would be more fair and transparent. As a consequence better results would be achieved.

ODVV is deeply concerned with non-cooperation between states and UN special procedures and calls upon the states for full cooperation with the UN mechanisms.

This organization asks Israel to facilitate the visits of Gaza Commission of Inquiry helping the experts to complete their mission in a supportive atmosphere.



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council

Thirtieth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement^{*} submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14934(E)



Please recycle



The situation of Civil Society NGOs in the Russian Federation

Government pressure on civil society in the Russian Federation has intensified considerably since anti-government protests began in late 2011. The protestors however, had every reason to protest against widespread fraud in the parliamentary and presidential elections. Yet the Russian authorities claim that anti-government demonstrations are, directly or indirectly, organized from abroad, specifically by the West providing finance to Russian NGOs.

These claims are almost totally unfounded. Yet the Russian Federal Government adopted a new law in 2012 on NGOs deemed to be engaging in political activities: "[N 121-FZ] On Amendments to Certain Legislative Acts of the Russian Federation with regard to regulating the activities of NGOs that perform functions of a foreign agent."

Since in Russia the term "foreign agent" is strongly equated with "spy" and "the enemy" this has created the totally false impression that any NGO receiving foreign funding must be working against the interests of Russia.

Under this law, all NGOs that are engaged in political activities and receive funds from abroad must:

- voluntarily register as "foreign agents" at the Ministry of Justice,
- indicate their status of a foreign agent in their publications in the media and on the Internet,
- provide periodic reports to the authorities on expenditure and their senior staff.

Until June 2014 such registration was voluntary, but a new law has made registration compulsory and the Ministry of Justice may itself now register any NGO deemed to be receiving foreign funds as a foreign agent. Furthermore, failure to register voluntarily is punishable by a fine of 300,000 rubles or imprisonment for up to two years.

Since no organization that is not a foreign agent would ever want to register as one, registration directly by the Ministry is almost always followed by a large fine.

Public oversight bodies have begun to interpret the concept of "political activity" extremely widely. According to the report of the Russian Ombudsman the "political activities" of NGOs are deemed to include conducting outreach and educational events, attended by leaders and members of NGOs:

- in the work of public councils and public monitoring commissions,
- held by the anti-corruption experts,
- in discussion of draft laws,
- in environmental management,
- implementation of initiatives regarding tolerance,
- participation in the preparation and conduct of public hearings and appeals against various public authorities,
- the publication of educational and human rights literature and periodicals,
- research and activities in the area of health protection and disease prevention.¹

Today, 80 NGOs are included in the register of foreign agents on the website of the Ministry of Justice.² Many of those included in the register very quickly announce their liquidation.

One organization prosecuted under this law is the association "Voice," which exposed the falsification of the 2011 elections. On 5 June 2014, Voice was the first to be compulsorily registered as a foreign agent. Yet it is not financed from abroad; the registration followed its nomination for an international prize, which it had refused. Nevertheless the association and its executive director were fined 300,000 rubles and 100,000 rubles respectively. The administrative fine was cancelled³ after the intervention of the Ombudsman but the registration as a foreign agent has remained.

¹ <http://ombudsmanrf.org/www/upload/files/docs/appeals/doklad2014.pdf>

² <http://unro.minjust.ru/NKOForeignAgent.aspx>

³ <http://ombudsmanrf.org/www/upload/files/docs/appeals/doklad2014.pdf>

Then on 7 June 2015, police officers raided the Moscow offices of Voice and the apartments of its leaders: Gregory Melkonyants, Tatiana and Roman Udov Tsyrynova. The searches were ostensibly carried out in connection with a previous tax evasion case against the head of a branch of the organization in Samara. During searches the police seized 90 pieces of computer equipment⁴. Following the raid the organization announced an appeal for donations for the purchase of new computer equipment.

On 21 July 2014, the human rights centre 'Memorial' was included in the register of foreign agents. On 22 December 2014 the movement 'For Human Rights' was then included. And on 25 December 2014 the Sakharov Center was. These three organizations are the most respected and authoritative Russian NGOs.

In March 2015, the Russian courts fined the movement For Human Rights and the Sakharov Center 300,000 rubles each for failing to voluntarily register as foreign agents.

On 8 July the Komi Republic branch of Memorial was fined the same amount.

The Sakharov Center appealed for donations to pay the fine and the necessary money has been raised but its problems continue. Vacheslav Bakhmin, a Soviet dissident and chairman of the Sakharov Center, said in an interview that the designation as a foreign agent denied the organization the opportunity to work because no one will want to have contact with foreign agents – i.e. spies.

The purpose and effect of the designation as foreign agent is to isolate an organization morally with unknown consequences for the future.

The Russian Humanist Society, a member organization of the International Humanist and Ethical Union, had a program of work with schools, which is impossible to carry out since it became registered as a foreign agent.

The next expected step in this clampdown on NGOs is a law preventing government officials from communicating with "foreign agents" as is already the case with deputies of the Duma. There are also reports of Russian legislators drafting laws envisaging up to 10-year terms of imprisonment for 'anti-Russian propaganda'.⁵

On 25 May 2015 the not-for-profit foundation 'Dynasty', created to support natural science, was registered by the Ministry of Justice as an NGO that functions as a foreign agent.⁶ On 6 June 2015 a meeting of Russian scientists and teachers was held in support of the foundation that attracted more than 3,000 people,⁷ but the decision to register the organisation as a foreign agent was not rescinded. On 17 June 2015, Dynasty was fined 300,000 rubles for failing to register.⁸ On 5 July 2015 it announced its liquidation.⁹

After the rebel attack on Grozny on the night of 3 December 2014, the head of Chechnya, Ramzan Kadyrov, said that from now on the families of those involved will be held responsible for their actions; they will be expelled from Chechnya and their homes razed to the ground. Igor Kalyapin, the chairman of the NGO 'Committee against Torture' created in 2000 in Nizhny Novgorod, considered Kadyrov's statement to be illegal and appealed to the Prosecutor General's Office and the Investigative Committee demanding that they institute criminal proceedings against him. On 13 December 2014, unknown persons set fire to the office of Committee against Torture in Grozny. The lawyers of the Committee decided to leave Chechnya after the fire and further harassment by armed men¹⁰. Actions against Committee against Torture continued.

⁴ <http://www.golosinfo.org/ru/articles/29791>

⁵ <http://www.stopfake.org/en/up-to-10-year-sentences-proposed-for-anti-russian-propaganda/>

⁶ <http://www.dynastyfdn.com/news/1283>

⁷ <http://www.svoboda.mobi/a/us-ecama-state-of-the-union/27059501.html>

⁸ <http://tass.ru/politika/2046900>

⁹ <http://www.dynastyfdn.com/news/1296>

¹⁰ <http://www.hro.org/node/20994>

On 16 January 2015 Committee against Torture was registered as a foreign agent by the Ministry of Justice.¹¹ The prosecutor in Nizhny Novgorod justified the registration on the grounds that the Committee received foreign grants and were engaged in trying to change government policy.¹²

On 3 June 2015 the office of Committee against Torture in Grozny was destroyed again. According to human rights activists, armed men with sledgehammers and saws destroyed a company car, broke down the door to the office and ransacked it. The police did not intervene.¹³

On 21 July 2015 the Ministry of Justice issued a warning to 12 NGOs on the register of foreign agents including the refugee charity Civil Assistance, the human rights center Memorial, the Sakharov Centre, For Human Rights, the Russian branch of Transparency International and Committee against Torture because they failed to label their websites and published material as "foreign agents". A fine of 300,000 – 500,000 rubles threatens organizations for such violations.

On 24 July 2015 the chairman of Committee against Torture announced that the organization would be liquidated.¹⁴

On 19 May 2015, the State Duma adopted a law permitting the appropriation of assets from foreign and international non-governmental organizations designated as "undesirable in Russia." The activities of such organizations should be banned under the threat of civil and criminal liability, and accounts frozen.¹⁵ On 7 July 2015, the Federation Council Speaker listed 12 foreign NGOs on a "Patriotic Stop List" as "undesirable in Russia."¹⁶

The right to freedom of association and expression are protected by international law. This is further backed by the 1998 Declaration on Human Rights Defenders and UN Resolutions on the protection of human rights defenders (Council resolutions 16/5, 22/6 and 25/18 and GA resolutions 66/164 and 68/181).

Accordingly, we urge the Council to express unequivocal support for Russia's civil society and call on member state Russia to end its campaign of intimidation against NGOs and amend legislation affecting them, so that it is brought in line with international human rights standards.

¹¹ <http://www.interfax.ru/russia/418370>

¹² <http://www.novayagazeta.ru/politics/67943.html>

¹³ http://www.bbc.com/russian/russia/2015/06/150603_grozny_torture_committee_attack

¹⁴ <http://www.interfax-russia.ru/Povoljie/news.asp?id=634725&sec=1671>

¹⁵ <http://ria.ru/politics/20150519/1065380249.html>

¹⁶ Open Society Institute (Soros Foundation), National Endowment for Democracy, International Republican Institute, National Democratic Institute for International Affairs, MacArthur Foundation, Freedom House, Charles Stewart Mott Foundation, Foundation Education for democracy, East European Democratic Centre, World Congress of Ukrainians and Ukrainian World Coordinating Council and the Crimean field mission on Human Rights.



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council

Thirtieth session

Agenda item 4

Human rights situations that require the Council's attention

Joint written statement* submitted by the International Humanist and Ethical Union, European Humanist Federation, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14935(E)



Please recycle



Sexual violence against minors: The Holy See's failure to protect the rights of the child

Rape, sexual and other violence perpetrated against minors (abbreviated below to "Child Abuse") by clerics of the Holy See

The recent conclusions of the Committee on the Rights of the Child (CRC) in respect of the Holy See (HS)¹ and the its failure to accept such conclusions are so serious that we would like to bring them to the attention of the Human Rights Council (HRC) in respect of the rights of the child.

Contraventions

Our written statements A/HRC/12/NGO/25 and A/HRC/16/NGO/92 drew the Council's attention to the HS's wholesale contravention of the Convention.

We reported the expert opinion of Geoffrey Robertson QC (UN Internal Justice Council, 2008-12), that the HS had breached Articles 3, 6, 19, 34, 39 and 44 of the CRC (reporting).

As detailed below, the Committee posed (unanswered) questions at the Public Examination to the HS about its conformity with ten Articles of the Convention.

Scale

The HS has informed the Council that "1.5% - 5% of the catholic clergy have been involved in sexual abuse cases."² Abuse also included serious physical and psychological abuse and mental cruelty. Abusers typically had multiple victims each of whom was abused several times.

A small proportion of victims complained, some of whom were silenced by the Church or their lawyers. Nevertheless, there were thousands of media reports of Catholic Church-related abuse in the 1980s and even in recent years well over 10,000 reports, especially relating to Ireland and the USA – where billions of dollars have been paid in compensation, very little of which has been offered voluntarily.³

The Committee referred to "tens of thousands of children worldwide."⁴ Yet the HS's first reference was in 2011 in its second periodic report (due fourteen years earlier in 1997)⁵ and only detailed in one paragraph: "The universal law of the Church has always viewed sexual abuse of a minor by a cleric/religious as one of the most serious offenses that sacred ministers can commit. Accordingly, canon law has provided the most severe penalties, not excluding dismissal from the clerical state."⁶

The HS's evasion of implementing the CRC worldwide

In its Concluding Observations, the Committee noted that, "[...] subordinates in Catholic religious orders are bound by obedience to the Pope, in accordance with Canons 331 and 590 of the Code of Canon Law. The Committee reminds the

¹ See CRC/C/VAT/Q/2 and CRC/C/VAT/CO/2; and more information at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=VAT&Lang=EN

² <http://www.secularism.org.uk/uploads/criticism-of-the-holy-see-over-child-abuse.pdf>, p10. Incidentally, this equates over 500,000 male clergy and religious. Also see, <http://cara.georgetown.edu/staff/webpages/Global%20Catholicism%20Release.pdf>

³ <http://www.nytimes.com/2014/05/07/world/europe/vatican-tells-of-848-priests-ousted-in-last-decade.html>, see also footnote 19

⁴ CRC/C/VAT/CO/2, §43

⁵ CRC/C/VAT/2

⁶ CRC/C/VAT/2 §98

HS that in ratifying the Convention, it made a commitment to implement it not only within the territory of Vatican City State (VCS), but importantly, also as the supreme power of the Catholic Church, worldwide through individuals and institutions under its authority.⁷ This accords with Geoffrey Robertson's submission to the Committee in March 2013, which sets out in detail the reasons why the treaty obligation is not confined to VCS.⁸

The first 15 paragraphs of the "Comments of the Holy See on the Concluding Observations of the Committee on the Rights of the Child,"⁹ published September 2014 under Article 45(d), refute that its Convention obligations extend beyond VCS.

Paragraph 3 states that: "The HS disseminates principles recognized in the CRC to [...] various local Catholic churches and institutions ... [but] the HS does not have the capacity or legal obligation to impose the abovementioned principles upon the local Catholic churches and institutions present on the territory of other States and whose activities abide with national laws."

The HS described itself in the second sentence of its Initial Report¹⁰ however as "the highest organ of government of the Catholic Church,"¹¹ which could not give greater "legal obligation" or "capacity". It exercises such capacity forcefully when in its own interests through its decree *Crimen sollicitationis*.¹² Geoffrey Robertson observes that, "The new Canon Law norms introduced in July 2010¹³ make it clearer than ever that the Vatican directs and controls the whole process."¹⁴ The norms include: all the acts of the case are to be transmitted *ex officio* as soon as possible to the Congregation for the Doctrine of the Faith" (CDF); "Cases of this kind are subject to the pontifical secret;" and that, "In tribunals [...] the functions of judge, promoter of justice, notary and legal representative can validly be performed for these cases only by priests."¹⁵

We reject the HS's baseless counterargument that instructing the Church worldwide to follow the Convention would "constitute a violation of the principle of non-interference in the internal affairs of States."¹⁶ Even if the HS could not control the Church, which we do not accept, it would still be obliged to "take all appropriate national, bilateral and multilateral measures" under Article 34, which it refuses to do.

The Committee's major concerns include -

Sexual exploitation and abuse:¹⁷

"[...] The Committee nevertheless expresses deep concern about child sexual abuse committed by members of the Catholic Church operating under the authority of the HS, whereby clerics have been involved in the sexual abuse of tens of thousands of children worldwide. The Committee is gravely concerned that the HS has not acknowledged the extent of the crimes committed, nor taken the necessary measures to address cases of child sexual abuse and to protect children, and has adopted policies and practices which have enabled the continuation of sexual abuse by clerics and impunity for the perpetrators. The Committee is particularly concerned that:

⁷ CRC/C/OPSC/VAT/CO/1

⁸ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC-OP-SC%2fNGO%2fVAT%2f21398&Lang=en

⁹ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fCOB%2fVAT%2f18491&Lang=en (September 2014)

¹⁰ CRC/C/3/Add.27

¹¹ CRC/C/3/Add.27, p3

¹² <http://www.awrsipe.com/Doyle/2008/2008-10-03-Commentary%20on%201922%20and%201962%20documents.pdf>

¹³ <http://www.bishop-accountability.org/resources/resource-files/churchdocs/EpistulaEnglish.htm>

¹⁴ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC-OP-SC%2fNGO%2fVAT%2f21398&Lang=en

¹⁵ Ibid.

¹⁶ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fCOB%2fVAT%2f18491&Lang=en, §3

¹⁷ CRC/C/VAT/CO/2, §43

(a) Well-known child sexual abusers have been transferred from parish to parish or to other countries in an attempt by the Church to cover-up such crimes. [and] has allowed many priests to remain in contact with children and to continue to abuse them [...];

(b) Although the HS placed [...] [abuse cases] under the exclusive competence of the CDF in 2001, it has declined to provide the Committee with data on all [any?] cases of child sexual abuse brought to its attention [...];

(c) [...] child sexual abuse has been [...] treated [by the HS] through confidential proceedings [that] have allowed the vast majority of abusers and almost all those who have concealed child sexual abuse to escape judicial proceedings [...];

(d) Due to a code of silence imposed [...] child sexual abuse have hardly ever been reported to the law enforcement authorities [but] cases of nuns and priests who were ostracized, demoted and defrocked for not respecting the obligation of silence have been reported [...], as well as cases of priests who were congratulated for refusing to denounce Child Abusers [...];

(e) Reporting to national law enforcement authorities has never been made compulsory and was explicitly rejected in an official letter [...] Church authorities, including at the highest levels of the HS, have shown reluctance and [...] refused to cooperate with judicial authorities and national commissions of inquiry.

Compensation¹⁸:

- The need to pay compensation, without conditions
- In respect of Magdalene Laundries, where torture is alleged, the need to bring perpetrators to justice and pay compensation.

As noted by the *Guardian* newspaper, The Church "ruthlessly protected its assets from victims seeking redress. Its staggeringly vast wealth has been placed out of reach of civil law suits on behalf of victims."¹⁹

Public examination

According to the transcript of the public examination of the HS (16 January 2014)²⁰, repeated attempts to secure disclosure of information on perpetrators held by the Church in VCS and member states were rebuffed. The Committee's questions about the HS's conformity with Articles 2 - 4, 10, 13 - 16, 34 and 39 and the matters raised above, elicited only evasive responses which failed to satisfy the Committee, as is evident from its concluding observations.²¹ Their publication resulted in unprecedented worldwide criticism of the Church's role over clerical Child Abuse in printed and electronic media.²²

Further concerns

The HS's UN Permanent Observer, Archbishop Tomasi, concluded an interview on Vatican Radio on the observations: "I don't think that there will be fundamental changes in this task ahead."

¹⁸ CRC/C/VAT/CO/2, §61 & §38

¹⁹ The *Guardian*'s comment concerned the Commission in Australia, but is relevant worldwide. See <http://www.theguardian.com/commentisfree/2015/jul/07/the-catholic-church-neednt-wait-for-a-national-redress-scheme-it-can-act-morally-now>

²⁰ Compiled independently from the publicly available video. See <https://www.crin.org/en/library/publications/holy-see-crc-session-transcript>

²¹ CRC/C/VAT/CO/2

²² <http://iheu.org/newsite/wp-content/uploads/2015/08/Worldwide-coverage-of-the-ChurchI.doc>

The Vatican has set up a lay Commission on Child Abuse to advise it, while almost entirely ignoring the concluding recommendations of the Committee, and a tribunal under the CDF to judge bishops which risks providing an alternative to criminal proceedings.

Lawyers representing victims of Child Abuse tell us that, all over the world, the Church continues fiercely to obstruct disclosure and compensation.

Recommendations

In the interests of protecting vulnerable children and of justice, we call on the Council to forcefully urge the HS to:

- accept its Convention obligation to do everything in its power to enforce the Convention worldwide;
- make all information on Child Abuse, including suspected perpetrators and facilitators, held by the Church worldwide (including under the auspices of the VCS) available to relevant law enforcement authorities;
- instruct the Church worldwide to report suspected perpetrators and facilitators to national law enforcement authorities even when not required to do so by local law;
- instruct the Church worldwide, and its lawyers and insurers, to fairly and expeditiously settle claims and cases against the Church, including for compensation.

United Nations

A/HRC/30/NGO/41



General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council

Thirtieth session

Agenda item 2

Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General

Written statement^{*} submitted by the Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[29 August 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14936(E)



Please recycle



The role of prevention in the promotion and protection of human rights in Jammu and Kashmir

JKCHR wishes to congratulate the High Commissioner for Human Rights for the comprehensive Annual Report presented to the 30th session of the Human Rights Council. The broad spread of over 26 titles and 31 paras, serves the constituency of human rights around the globe. In the best interests of enlarging the constituency of the promotion and protection of human rights, JKCHR would wish to make an input in regard to a situation left out in the report, which has landed at the door of the United Nations, when the organization was only three years old and had fifty-seven members. Kashmir dispute, that is, respect for the principle of equal rights and self-determination of Kashmiri people, landed on the UN's doorsteps in January 1948. The report of the High Commissioner consequent to resolution 24/16 incorporates a broad spread of information, except that no contribution has been received from India and Pakistan or from any of their national human rights institutions, civil society group or a relevant intergovernmental body.

Right to life precedes any other human right. We would have prevented the death of a generation (targeted Muslim youth) in the Indian administered part of Kashmir, if UN Security Council and UN General Assembly had followed upon the jurisprudence of UN Security Council Resolutions on carrying out a free and fair referendum to resolve the Kashmiri people's title to self-determination. The preventive steps would have helped to secure the promotion and protection of human rights in the habitat and people would not have suffered the unprecedented violations of human rights, witnessed first time in 169 years of the Rights Movement (1846-2015).

Although Kashmir dispute and the human rights situation here, has continued to form a substantial part of conflict literature, one finds that the annual reports of the UN Secretary General under article 98(2) to the General Assembly and the High Commissioner for Human Rights for some time have skipped the subject. These reports have not been inclusive of all the 'peoples' referred in the Preamble of the UN Charter. Therefore, United Nations and its bodies owe an explanation to a generation killed in the Indian administered part of Jammu and Kashmir.

We need to establish 'conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained and to promote social progress and better standards of life in larger freedom,' without abdicating our interest in all people around the world. One such people that became an immediate interest of the United Nations in 1948 are the people of Jammu and Kashmir.

United Nations has subscribed its interest in these people and in the peace of the region through its supervision of the cease fire line by UNMOGIP. It is unfortunate that the cease fire line has not been calm for some time and the exchange of fire between Indian and Pakistani security forces, has cost human lives and other losses. It has disturbed the daily regime of life on either side. Indian security forces are engaged in a war against the Muslims of the Valley of Kashmir and Kashmiri youth remains their target group.

There is a resurgence of radical Hinduism in India. It has spilled over into Kashmir – the disputed State. Richard M Eaton in his book 'India's Islamic Traditions, 711-1750' writes, "Today, Indian Hindus and Muslims see themselves as distinct religious communities, essentially two separate nations occupying the same ground. Hindu nationalist historians have projected this vision of separateness into the past, stating that Indian Muslims of the middle ages were a community totally different from and implacably opposed to, the Hindu majority on religious grounds. Moreover, Indian Muslims are defined as a social group that is not indigenous, but of a foreign origin to the subcontinent. This implies that Muslims do not belong in India and have no real rights there. Secular Indian historians have decried this interpretation as a misrepresentation, a reading of the past that modern communal biases distort".

While the Council is due to consider the OHCHR study A/HRC/30/20 on the role of prevention in the promotion and protection of human rights, a case study of the failure by the UN in not taking any further steps to the deployment of UNMOGIP on the cease fire line of Kashmir, assumes immediacy. People of Jammu and Kashmir have been addressed as among the Unrepresented Peoples and Nations of the World at the Plenary and Main Committee of UN World Conference on Human Rights in Vienna.

If we need to benefit all people without any discrimination from the preventive measures, it would be job half-done if we ignore the people of Jammu and Kashmir. There is an urgent need that the Council recommends to the UN General Assembly and the Security Council of a need to revisit the UN mechanism put in place to resolve the Kashmir dispute and in between protect the fundamental rights of the people there.

The first and foremost step would be to audit the work outsourced to Jammu and Kashmir Government based at Srinagar in regard to setting up a representative provisional government under the supervision of the United Nations and to prepare for a free and fair referendum under the auspices of the United Nations. United Nations has to see the extent to which the Srinagar Government has made any genuine efforts in honouring the guidance and cautions made in the UN SC Resolution of 21 April 1948 and UN SC Resolution of 30 March 1951.

It is important to ascertain whether the Srinagar Government has lived up to its statement made at the 241st Meeting of the UN Security Council on 5 February by Sheikh Mohammad Abdullah, that, "There need be no fear, since the Indian Army is there, that this army will interfere in the exercise of a free vote. After all, a Commission of the Security Council will be there in order to watch. The Indian Army does not have to go into every village. It will be stationed at certain strategic points, so that in the event of danger from any border, the army will be there to protect that border. The army is there to curb disorders anywhere in the State; that is all. The army will not be in each and every village in order to watch each and every vote."

It is equally important to examine the antecedents of the Srinagar Government and query it in regard to its statement made at the UN Security Council, that, "It is not at all disputed that we must have a plebiscite and that the accession must be ratified by the people of Kashmir, freely and without any pressure on this or that side. That much I conceded; there is no dispute about that. The dispute arises when it is suggested that, in order to have the free vote, the administration must be changed. To that suggestion we say, "No". I do not know what course future events will take. However, I may assure the Security Council that, if I am asked to conduct the administration of this State, it will be my duty to make the administration absolutely impartial. It will be my duty to request my brothers, who are in a different camp at this time, to come to lend me support. After all, they are my own kith and kin". UN SC Official Records Third Year Nos 16-23 241st - 260th meetings 5 February - 2 March 1948.

United Nations and its affiliate and sub-ordinate bodies failed to discharge their agreed duties beyond the supervision of cease fire line by UNMOGIP. It failed to encourage the Srinagar Government to set up the provisional representative Government and set up an administration for conducting a UN supervised Plebiscite, in consultation with the other two Governments at Muzaffarabad and Gilgit and the Government of Pakistan. United Nations on its part failed to ensure respect for the preventive measures for the promotion and protection of human rights described in the UN Resolution of 21 April 1948, by ascribing restraints on the number, behaviour and location of Indian security forces, provisionally admitted into Kashmir.

It is high time that the Council takes on board to recommend strict compliance of duties outsourced to the Kashmir Government at Srinagar and restraints placed on the Indian security forces, as a preventive measure to promote and protect human rights in Kashmir. JKCHR strongly urges upon the Council to make a recommendation to the UN Secretary General that he should use his good offices under article 99 of the UN Charter and "bring to the attention of the Security Council" the question of human rights situation in Kashmir, which is threatening the maintenance of international peace and security. Genuine interest of the UN Secretary General and UN High Commissioner for Human Rights in the promotion and protection of the human rights of the people of Kashmir should be incorporated in their annual reports for the General Assembly and the HR Council respectively.